Canada

Dept. of Justice

News Release

Minister of Justice and Attorney General of Canada
Ministre de la Justice et procureur général du Canada

News Release Communiqué

OTTAWA -- Enormous challenges lie ahead for the Canadian transportation system, and there is no better mechanism for meeting them than the Canadian Federation, the Honourable Marc Lalonde said today.

Mr. Lalonde released a report entitled Transportation -- a Unifying Link, one of a series of economic studies being published by the Government of Canada in the interest of contributing to public discussion of issues concerning national unity.

The report says the dynamics of economic development will call for substantial investments in the transportation sector in its continued integration across Canada.

"Our Federation has been able to meet similar challenges in the past," said the minister, "and there is no reason to believe it cannot do so in the future. This report, in fact, makes a very convincing argument that if we are to maintain the integrated nature of our transportation network, our federal system of government is much better suited to dealing with the problems than would be an independent Quebec and a new Canada of only nine provinces."

The report documents the instrumental role of the federal government in building and financing the country's transportation system. The Canadian National Railways, Air Canada, the network of pipelines, the Trans-Canada Highway and the St. Lawrence Seaway stand as symbols of one of the fundamental objectives of the founders of Canada -- the extension and consolidation of the Canadian common market from coast to coast, the report says.

Through their federal government, Canadians have a heavy investment in transportation facilities in all regions of the country. In Quebec, for example, the book value of the federal contribution was about $2.6 billion by 1976, and the replacement value would be considerably higher. The federal contribution accounts for about 35 per cent of the total investment in transportation installations in Quebec, and that figure is almost identical to the average for all provinces.

In some of the transportation modes in Quebec, the federal contribution is substantially greater: air, 95 per cent or more; marine, 94 per cent, and rail, 53 per cent. While roads are primarily a provincial responsibility, the federal government has accounted for around nine per cent of the investment.

In addition to its investment in facilities, equipment and installations, the federal government also makes a considerable and ongoing contribution to operation and maintenance of the transportation system. In Quebec alone, annual expenditures in 1977-78 for this purpose were more than $135 million.

Transportation also sustains employment, and in 1976 some 31,700 people were employed by the federal government in transportation service jobs in Quebec. This represents 37 per cent of the people working in transportation in the province. When associated employment is taken into account, it is estimated that the federal presence in transportation is responsible for more than 70,000 jobs in Quebec and wages and salaries of approximately $1 billion.

The report notes that Canadians probably rely more heavily on their transportation system than any other people in the Western world, not only for moving passengers and goods but also for creating and sustaining employment.

It is pointed out also that three major federal Crown corporations -- Canadian National, Via Rail and Air Canada, make a sizeable contribution to the Quebec economy through having their head offices in Montreal.

The report deals as well with transportation equipment industries, noting that Quebec shipyards, aerospace industries and manufacturers of railway rolling stock benefit substantially from federal government financial support and contracts.

Dividing Canada would not only jeopardize the co-operative framework needed for meeting challenges in transportation, says the report, but it would also call for extremely complex and difficult negotiations.

Numerous treaties and agreements would have to be negotiated simply to replace arrangements that already exist, the report says, and it adds there is no reason to believe Quebec would improve its economic position as a result of those negotiations.

Transportation -- a Unifying Link - was prepared for the Federal-Provincial Relations Office under the direction of Paul H. MacNeil, with the special contribution of Transport Canada.

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13-12-78

Il ressort également que trois grandes sociétés de la Couronne - le CN, Air Canada et Via Rail -, qui ont leur siège à Montréal, jouent un rôle appréciable dans l'économie du Québec.

Traitant de l'industrie du matériel de transport, l'étude souligne que les chantiers navals, l'industrie aérospatiale et l'industrie du matériel ferroviaire bénéficient sensiblement elles aussi des subventions et des contrats fédéraux.

Une division du pays compromettrait non seulement le cadre coopératif de solution des problèmes posés par les transports au Canada, mais elle rendrait les négociations extrêmement complexes et laborieuses.

Il faudrait négocier, note l'étude, de nombreux traités et ententes, ne serait-ce que pour remplacer les accords existants, et on y ajoute que rien ne permet de croire que le Québec améliorerait sa situation économique par ces négociations.

Les transports - un lien unificateur a été préparée pour le Bureau des relations fédérales-provinciales, sous la direction de M. Paul H. MacNeil, avec la participation spéciale de Transports Canada.

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relèvent essentiellement de la compétence des provinces, le gouvernement du Canada a financé environ 9 p. 100 des investissements routiers.

Non seulement le gouvernement du Canada a-t-il contribué, par ses investissements, à la mise en place de l'infrastructure des transports, mais il participe aussi considérablement à l'exploitation et à l'entretien courants du réseau de transports. En 1977-1978, les dépenses annuelles engagées à cette fin, au Québec seulement, dépassaient $135 millions.

Les transports constituent aussi un soutien pour la main-d'oeuvre. En 1976, environ 31 700 personnes travaillaient pour le gouvernement du Canada, afin d'assurer des services de transports au Québec, soit 37 p. 100 de l'ensemble des personnes employées à ces activités dans la province. Compte tenu des emplois connexes, la présence fédérale, dans le domaine des transports, équivaut, selon les estimations, à plus de 70 000 emplois au Québec et à une masse salariale d'approximativement $1 milliard.

L'étude souligne le fait que les Canadiens dépendent beaucoup plus de leur réseau de transports que la plupart des pays de l'hémisphère occidental, non seulement au chapitre du transport des passagers et des marchandises, mais aussi en matière de création et de soutien de l'emploi.

L'étude brosse un tableau du rôle de premier plan que le gouvernement du Canada a joué dans la mise en place et le financement de notre réseau de transports au pays. Le Canadien National, Air Canada, le réseau de pipe-lines, la Transcanadienne et la Voie maritime du Saint-Laurent symbolisent la réalisation de l'un des éléments fondamentaux des fondateurs du Canada: l'expansion et la consolidation du marché commun canadien, d'un océan à l'autre.

Les Canadiens, par l'entremise de leur gouvernement fédéral, bénéficient d'investissements de taille dans l'infrastructure des transports, dans toutes les régions du pays. Au Québec, par exemple, la valeur comptable de la contribution fédérale au Québec atteignait, en 1976, quelque $2,6 milliards, et la valeur de remplacement pourrait être encore plus élevée. La contribution fédérale aux installations de transport au Québec représente 35 p. 100 environ du total des investissements en installations dans la province, ce qui équivaut à peu près à la moyenne pour l'ensemble des provinces.

Pour chacun des trois modes de transport, la participation fédérale est sensiblement plus forte: 95 p. 100 au moins pour les transports aériens; 94 p. 100 pour les transports maritimes et 53 p. 100 pour les transports ferroviaires. Bien que les routes

Ministre de la Justice et procureur général du Canada
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Communiqué News Release

OTTAWA -- Le réseau de transports du Canada est placé devant des défis considérables et il n'y a pas de meilleur mécanisme que la fédération canadienne pour y faire face.

C'est ce qu'a affirmé aujourd'hui le ministre de la Justice, M. Marc Lalonde, en rendant publique une étude intitulée Les transports - un lien unificateur. Cette étude fait partie d'une série publiée par le gouvernement du Canada, dans le but de stimuler un débat public sur les questions relatives à l'unité canadienne.

Selon le document, la dynamique du développement économique nécessitera d'importants investissements dans le secteur des transports, si l'on veut poursuivre son intégration dans tout le Canada.

Le ministre a rappelé que "notre fédération a réussi jusqu'à maintenant à relever des défis du même genre, et il n'y a aucune raison pour qu'elle ne puisse faire de même à l'avenir. De fait, poursuit-il, l'étude fait ressortir de façon convaincante que, si l'on veut maintenir le caractère intégré de notre réseau de transports, notre système fédéral de gouvernement est mieux adapté à la solution des problèmes futurs qu'un régime composé d'un Québec indépendant et d'un Canada comptant seulement neuf provinces".

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News Release Communiqué

OTTAWA -- Of all the manufacturing enterprises in Canada, few face as many challenges as the textile industry and are thus so sensitive to the consequences of Quebec opting out of the Canadian Federation, the Honourable Marc Lalonde said today.

Mr. Lalonde made the comment in releasing a report entitled The Textile Industry -- a Canadian Challenge, the latest in a series being published by the federal government under the heading, Understanding Canada.

The report traces the history and development of the textile industry from its beginning with the establishement of a cotton mill at Sherbrooke, Quebec, in 1844. It says the industry did not begin to prosper until 1879 when the Government of Canada adopted its National Policy of tariff protection to encourage Canadian manufacturing activity.

Today, the industry has grown to be one of major importance to Canada, employing nearly 200,000 people and paying them approximately $2 billion a year. And it is an industry that relies increasingly on federal government policies and programs, not only for direct financial assistance but for vital protection through tariffs and quotas against fierce foreign competition.

The textile industry is especially important to Quebec, where nearly 115,000 textile workers, or roughly 60 per cent of the country's total, are employed.

According to the report, the textile industry is the largest single employer among all of Quebec's manufacturing sectors. In many communities it is virtually the only industry, and it sustains thousands of additional jobs in other enterprises that support and service the textile goods producers.

"There is no attempt here to make specific predictions as to jobs that might be lost in the event of circumstances that could disrupt the Canadian market for domestic textile products," Mr. Lalonde said. "However, it does show how dependent the industry is on continued free access to the whole of the Canadian market. The report presents a factual study of the economics of this important industry, and some of the problems and challenges facing it."

The information has been drawn from a number of sources, as documented in the report, and it leads inevitably to certain conclusions about the challenges facing an industry that is concentrated heavily in Quebec.

The report points out, for example, that the textile industry accounts for 22 per cent of Quebec's manufacturing jobs. In Ontario, the second largest producer of textiles, the industry provides only seven per cent of manufacturing employment.

Without the highly protected Canadian market, the report says, the industry would be in serious trouble, because virtually all of the textile goods produced in Canada are also sold in Canada. In 1974, for example, about half of Quebec's textile output was sold within Quebec. A very substantial 45 per cent was sold in the other nine provinces, and foreign exports accounted for less than four per cent.

Mr. Lalonde noted that the facts as outlined in the report also lead to some pressing questions that should be considered before any decisions are made about the political future of Canada. It is obvious, for instance, that Canadian consumers pay a higher price to protect an industry that is unable to compete with foreign competition. The question is whether Canadians would be willing to continue paying that price in the event of a breakup of the union of 10 provinces, the minister said.

What the industry needs, the report suggests, is a fundamental restructuring to help it become more competitive, and the task of correcting the structural problems is seen as one aspect of revitalizing the Canadian Federation. The Canadian Federation does provide for a sharing of difficult decisions that must be made, whether in terms of continued protection or gradual reduction of the industry or a new effort to place it on a more equal footing with our major competitors, the report says.

The report also questions the validity of arguments that Canadian consumers could realize considerable savings if tariffs and quotas were removed and the textile industry left to face foreign competition without protection. A great number of jobs would disappear at a time when new ones are needed to keep pace with growth of the labour force. What consumers might save on lower prices for imported goods could be more than offset by lost wages and increased welfare costs.

The Textile Industry -- a Canadian Challenge was prepared for the Federal-Provincial Relations Office under the direction of Dr. David Husband, economic adviser, with the special contribution of Richard Pageau of the Department of Industry, Trade and Commerce.

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Ainsi que le suggère l'étude, l'industrie a besoin d'une restructuration fondamentale pour lui donner une meilleure compétitivité. La solution de ses problèmes actuels apparaît alors comme l'un des aspects du mouvement visant à revivifier la fédération canadienne. "Le fédéralisme, souligne l'étude, permet de partager les décisions difficiles qui doivent être prises, qu'on opte en faveur du maintien de sa protection ou d'une diminution graduelle de l'importance de l'industrie ou d'un nouvel effort visant à lui permettre de rivaliser avec ses principaux concurrents".

Il n'est pas du tout évident, selon l'étude, que le consommateur canadien réaliserait des économies en laissant l'industrie textile, sans aide, faire face à la concurrence étrangère. Un grand nombre d'emplois seraient supprimés à un moment où la croissance de la population active exige la création d'emplois. L'économie que le consommateur canadien pourrait réaliser, sous forme de prix inférieurs sur les articles importés risquerait d'être plus que compensés par les pertes de salaires et par l'alourdissement du coût de l'assistance sociale.

L'industrie textile - un défi pour le Canada a été préparée pour le Bureau des relations fédérales-provinciales, sous la direction de M. David Husband, conseiller économique, et avec la participation spéciale de M. Richard Pageau du ministère de l'Industrie et du Commerce.

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Ministre de la Justice et procureur général du Canada
Minister of Justice and Attorney General of Canada

Communiqué News Release

OTTAWA -- Peu d'industries, parmi les entreprises manufacturières au Canada, ont à relever autant de défis que l'industrie textile et se ressentiraient autant des conséquences du retrait du Québec de la fédération canadienne.

C'est ce qu'a déclaré aujourd'hui l'honorable Marc Lalonde, en rendant publique une étude intitulée L'industrie textile - un défi pour le Canada. Cette étude est la plus récente d'une série publiée par le gouvernement du Canada, sous le titre général Pour comprendre le Canada.

Le document retrace l'historique et l'essor de l'industrie textile, qui a pris naissance en 1844, avec la construction d'une manufacture de coton à Sherbrooke, au Québec. Sa prospérité ne devait toutefois s'affirmer qu'en 1879, lorsque le gouvernement du Canada adopta sa Politique nationale de protection tarifaire pour stimuler l'activité manufacturière dans le pays.

Aujourd'hui, cette industrie s'est taillé une place importante au Canada. Elle emploie près de 200 000 personnes et elle verse chaque année $2 milliards en rémunérations. Elle demeure toutefois une industrie de plus en plus tributaire

Minister of Justice and Attorney General of Canada
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News Release Communiqué

BASFORD ANNOUNCES FEDERAL OMBUDSMAN LEGISLATION

OTTAWA, December 19, 1977 -- Justice Minister Ron Basford today announced his intention to bring forward legislation early in 1978 to establish a federal Ombudsman for Canada.

In announcing this decision, Mr. Basford tabled the Report of the Committee on the Concept of the Ombudsman in the House of Commons. This Committee of deputy ministers and senior officials was established by the Prime Minister to look at the ombudsman concept and report upon the feasibility of establishing the office at the federal level in Canada. Mr. Basford announced that it is the intention of the government to follow generally the recommendations of the Committee in drafting legislation and he said that the Committee's report would provide useful background for both the interested public and parliamentarians.

Role of Ombudsman

The main recommendation of the Committee is that a federal Ombudsman be established as an independent officer of Parliament. He would be empowered to investigate complaints about administrative actions or inactions from members of the public who have not received satisfaction through the normal departmental complaint-handling channels. Like his counterparts in the provinces and New Zealand and Australia, the Ombudsman would be given powers of investigation and reporting which would enable him to encourage authorities to rectify justified complaints and, all else failing, to report to Parliament where his recommendations are not followed.

The Ombudsman's jurisdiction would extend to all departments and most agencies of the federal government and, to avoid confusion, would be stipulated by schedule to the Ombudsman Act.

Mr. Basford drew attention to the Committee's recommendation that the federal Ombudsman should be empowered to take up complaints received directly from the public. This is the practice followed in

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the provinces, New Zealand and Australia and is in contrast to what is done in the United Kingdom and France where parliamentarians are obliged to act as intermediaries between the public and the ombudsman.

Relationship to Role of MP's

Mr. Basford stressed that experience elsewhere indicates that the complaint-handling role of MP's is not affected. Not only can MP's deal with a wider range of complaints than an ombudsman but many persons may prefer to turn to their MP for help as they have done in the past and nothing in the proposed legislation would prevent this. However, with the creation of an ombudsman, MP's will be able to refer complex and difficult complaints directly to an independent officer of Parliament having the necessary powers, staff and expertise to get to the bottom of them. Thus the Ombudsman would complement the role of the MP's in seeking solutions to the problems of the individual citizen affected by maladministration by departments or agencies of the federal government.

Coordination with Other Appeal Mechanisms

Mr. Basford noted that care would be taken to ensure coordination among complaint-handling bodies to avoid overlapping, unnecessary expenditure and confusion. He expressed confidence that during their examination of the bill, the Standing Committee on Justice and Legal Affairs would give due attention to the measures proposed to ensure adequate coordination.

One initiative which is planned to ensure coordination involves the integration into the office of the general Ombudsman of such other ombudsman-like functions as Privacy Commissioner and the Correctional Investigator. They would become Assistant Ombudsmen, empowered to deal with complaints in their particular functional areas.

The Privacy Commissioner was created under Part IV of the Canadian Human Rights Act. The Act provides the citizen who feels that he has been improperly denied access to his personal information held in government files, with recourse to an independent officer empowered to investigate his complaint, encourage rectification where warranted, and to report to Parliament as appropriate. These functions are very similar to those of the general Ombudsman and the Committee recommended that

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they be subsumed into that office. According to Mr. Basford, this will be achieved by assigning to the Ombudsman by statute the general powers of the Privacy Commissioner and Inger Hansen, the present Privacy Commissioner, would be appointed Assistant Ombudsman - Privacy to exercise most of these functions.

The Correctional Investigator, appointed by the Governor in Council, has the status of Commissioner under the Inquiries Act with authority to investigate and report to the Solicitor General on the complaints and grievances of inmates of federal penitentiaries. Mr. Basford stated that with the passage of an Ombudsman Act the duties of Correctional Investigator will be performed by an Assistant Ombudsman and that this has been taken into account in making the recently-announced appointment of Ron Stewart to that office.

Other Complaint-Handling Bodies

Mr. Basford noted that certain bodies created to oversee statutory rights and empowered to deal with complaints such as the Commissioner of Official Languages and the Canadian Human Rights Commission would not be integrated into the office of the Ombudsman. Although the former office has ombudsman-like powers in respect of language complaints, it also has an important duty which goes far beyond this - that of ensuring recognition of the status of each of the official languages.

Similarly, the function of the Canadian Human Rights Commission goes beyond general complaint-handling to encompass the administration and enforcement of quite specific rights as defined in the Canadian Human Rights Act in respect of discrimination in the fields of employment, services and accommodation. The Commission has the authority to refer complaints of illegal discrimination to tribunals having the power to issue binding orders aimed at rectifying discriminatory acts occurring not only within the federal government but also within the federally regulated private sector. The Ombudsman, on the other hand, will deal with complaints alleging maladministration (generally involving alleged incompetence or inefficiency but not illegality) by departments and agencies of the federal government itself and will not have the power to enforce his findings. He will, however, be able to report to Parliament instances where his recommendations, as they relate to matters of administration only, are not followed.

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The only complaints in which the Ombudsman and the Canadian Human Rights Commission could both become involved would be those alleging maladministration on the part of the latter or discrimination on the part of the former. Such complaints are expected to be rare. Nevertheless Mr. Basford noted that there will be instances where a person will complain to the wrong body. To avoid delay and frustration on the part of the public, administrative arrangements will be instituted to provide for the expeditious transfer of complaints without special action by complainants. Similar referral arrangements will undoubtedly be made by the Ombudsman with his provincial colleagues so that complaints concerning provincial matters sent to the federal Ombudsman can be efficiently redirected to the appropriate provincial ombudsman and vice versa.

Regional Offices

Mr. Basford also announced that the government accepts the Committee's view that the Ombudsman may need to establish a limited number of regional offices to provide ready access for complainants and also to carry out investigations where complaints arise from the actions of federal officials located in the regions.

Copies of the Committee's report will be widely distributed to the media, libraries, universities, citizens' action groups, civil rights organizations and others.

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Ref.: Ruth Cardinal
Ottawa (613) 996-4159

November, 1975
Department of Justice
Ottawa, Ontario

Contributions to Special Projects -- Legal Aid 1976-77 Application Materials

The Honourable Ron Basford, Minister of Justice and Attorney General of Canada, recently announced that the Department of Justice would continue to make contributions for the 1976-77 fiscal year under the program formally known as the Community Legal Services Program.

In making the announcement, the Minister indicated that the program guidelines of the Community Legal Services Program had been broadened to permit contributions to be made to a wider range of projects in the legal aid area. The funds will again be available to assist organizations operating projects aimed at developing innovative methods of delivering legal services to the disadvantaged people of the communities in which they operate. In addition, contributions may be made to encourage experimental and research work in the legal aid area and to encompass activities including planning, research, evaluation and training as well as experimental pilot projects which have as their purpose the improvement of the delivery of legal aid services whether carried on by government or independent organizations or projects.

As mentioned in the Minister's Press Release, the funds available under this program are limited; consequently, not all anticipated requests for financial assistance can be met.

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In making contributions to those projects aimed at developing innovative methods of delivering legal services, preference will be given to viable undertakings which are of an ongoing nature or demonstrate the intention and potential to provide a year-round service. The Department of Justice is interested in the experimental data which can be obtained from such ongoing service projects. Service to the community is also important, and special consideration will be given to projects demonstrating the potential to remain viable forces in the community without reliance on the Department of Justice for funding.

In making contributions to research projects, preference will be given where the results of the research will afford useful information to assist the Federal Department of Justice in playing its role in the ongoing improvement of the delivery of legal aid services in Canada.

Contributions under the Community Legal Services Program will be in respect of a one year period (April to March). The Department of Justice realizes that the projects will sometimes of necessity be of a longer duration than one year; thus, although no funds will be committed for longer than a one year period, a degree of flexability regarding longer term involvement will be a part of the program.

To assist applicants in submitting a proposal for contribution under this funding program, there is enclosed a detailed set of guidelines indicating the information that must be provided. These application guidelines are divided into two parts; PART I is to be completed where the application is in respect of a project involving experimental delivery of legal services to the disadvantaged. PART II is to be completed where the application is in respect of a research project. The guideline materials are not intended as an

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application "form" (apart from the budget sheets), however, strict adherence to the suggested application format will insure that the Department is provided with adequate information on which to assess the request for funds.

The application should be completed and returned no later than January 15, 1976 to:

Special Projects -- Legal Aid,
Department of Justice,
OTTAWA, Ontario,
K1A 0H8.

If you should require additional information concerning the program, or encounter any difficulties with the application materials, please contact Mr. J. Alan Leadbeater at (613) 992-9709.

Not to be released before:

AUG 3 1969

Ne pas publier avant:

[Statistics on divorce]

The new Divorce Act of Canada has now been in effect for one year. There has been a substantial increase in the number of petitions for divorce largely as a result of the extension of the grounds for divorce under the Act. Many persons who, under the laws in force in Canada during the last hundred years, were unable to obtain a divorce may now be able to obtain relief under the new law.

From July 2, 1968, to July 1, 1969, 38,116 petitions for divorce were filed. In that period decrees absolute have been issued in respect of approximately 9,282 of those petitions. In addition, 92 petitions have been dismissed and 407 actions discontinued. Additional statistical data on the geographical distribution of these figures is attached.

The probable average number of divorce decrees per year under the new legislation cannot yet be determined. In 1968 the courts were attempting to complete the many actions commenced under the pre-existing law before proceeding to dispose of cases commenced under the Divorce Act. As the work load under the former laws lessens the number of cases heard under the new Act will increase. Further, taking into consideration the time required for the service of documents and the normal three month period between the decree nisi and decree absolute, it will be seen that it will take some time before a true picture of the operation of the new Act emerges.

From the partial statistics now available, it would appear that in 1968 approximately 10,750 decrees absolute were issued of which 10,291 were issued under the pre-existing law and 459 were issued under the new Divorce Act. On the other hand, partial statistics for 1969 indicate that these actions under the former law are disappearing while decisions under the new Act are increasing. In the first six months of 1969 approximately 1,307 decrees were issued under the former law compared with 8,823 under the new law for a total of 10,130.

The increase in the number of cases coming before the courts will place a heavy load on those courts over the next few months. Some delays will be experienced because of this case load and because the enactment of new grounds for divorce will necessitate the development by the courts of new criteria by which to determine whether the requirements of the Act are being met. In the early months of operation of the Act there is a special need for the courts to take great care to ensure that the first cases, which could set precedents binding on subsequent cases coming before the courts, be given the time and consideration necessary to enable the development of sound judicial precedents.

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An example of the type of situation likely to arise occurred in Ontario in the cases of McAdams v. McAdams and Sutt v. Sutt, where there appeared to be an initial procedural problem arising out of the rules of court in respect of substitutional service on missing spouses. However, the matter was immediately referred to the Court of Appeal which handed down a written judgment stating that under the Ontario rules of court there could be substitutional service on missing spouses.

A Central Divorce Registry has been established in the Department of Justice to record all petitions for divorce filed in Canada. The primary function of the Registry is to notify the courts of duplicated petitions so that two courts will not try an action between the same parties. It is possible that where a husband and wife have lost touch with each other each one may bring an action against the other spouse without knowing where to locate that spouse to serve the papers. The Registry processes the information received by it in respect of the petitions through the computer services provided by the Central Data Processing Bureau and notifies the courts of duplications so that second petitions can be withdrawn. To date there have been 37 duplications between provinces, a ratio of 1 duplication for every 1030 petitions. In 2 of these cases the petitions were filed on the same day with the legal result that, in each case if neither party withdraws, the case will come before the Exchequer Court rather than the provincial court. There have also been 229 duplications involving court officies within a province. In 69 of these cases two court offices in the province were involved and in the other 160 cases both petitions were filed in the same office. Also, in 2 cases a petition was filed by one spouse after a decree absolute had issued to the other spouse.

From the information received by the Registry in respect of divorce petitions filed between July 2, 1968, and July 1, 1969, it would appear that in most cases only 1 ground for divorce is cited. A single ground is set out in 27,417 petitions. Multiple grounds are set out in 10,699 petitions for a total of 38,116 petitions.

The multiple grounds are often physical cruelty combined with mental cruelty and adultery or addiction to alcohol. However, there are many other combinations of grounds set out in the petitions.

(A table of Grounds for Divorce is annexed hereto showing the breakdown by provinces of the grounds for divorce as indicated in the registrations of petitions received by the Central Divorce Registry. Where a number is listed in respect of a ground under the letter "M", that ground is one of multiple grounds listed in the petition. Where a number is listed in respect of a ground under the letter "S", that ground is the single ground listed in the petition. As a result, it will be noted that the total number of grounds indicated in the table is higher than the total number of petitions.)

Grounds for Divorce July 2/68 - June 30/69	Nfld.		P.E.I.		N.S.		N.B.		Quebec		Ontario		Man.		Sask.		Alta.		B.C.		Y.T.		N.W.T		Total Ground
	M	S	M	S	M	S	M	S	M	S	M	S	M	S	M	S	M	S	M	S	M	S	M	S	
A																									
1 Adultery	4	32	2	15	52	201	17	147	1128	788	800	3702	30	345	70	222	718	1028	282	1768	6	18	1	9	11385
2 Sodomy					1				2		12	2			2		6		8	1					34
3 Bestiality									2		5	1			1		1		2	1					13
4 Rape									6		1	3			1		1		3	1					16
5 Homosexual Act	1				3		1		28	7	12	15	1		2		4	1	9	2					86
6 Subsequent Marriage	1					2			7	1	43	22					8	6	10	6					106
7 Physical Cruelty	7		12	1	168	9	39	7	897	18	1780	53	152	6	218	32	1864	68	1059	102	7	2	3	1	6505
8 Mental Cruelty	6	5	11		164	15	36	1	1195	131	1752	95	151	9	213	10	1918	99	1080	129	6	2	3	2	7033
B																									
1 3 yr. imprisonment					1	1	2	1	22	6	45	19	3		2	2	11	3	11	14					143
2 Long term impris.									8	6	7	4		1				1	4	1					32
3 Addiction to alcohol	1		3	3	38	7	11	2	377	14	356	84	18		58	8	255	26	225	56		1			1543
4 Addiction to narcotics					2				27	1	16	1	4		2		7		10	5					75
5 Whereabouts of spouse unknown	1		1		14	7	7	6	83	3	278	102	10	12	6	1	55	25	68	26					705
6 Non-consummation	1				2		5	2	88	46	47	70	2	4	1	6	11	15	13	14					327
7 Separation for 3 yrs	7	105	6	52	83	332	70	204	1305	2422	2099	7426	103	1033	170	444	606	1284	702	2222	7	17	1	14	20714
8 Desertion for 5 yrs.		3	3	3	35	51	32	22	47	42	923	1306	46	73	76	68	200	203	341	333	2	8	1	1	3819
Sub-total grounds	29	145	38	74	563	625	220	392	5222	3485	8176	12905	520	1483	822	793	5665	2759	3827	4681	28	48	9	27	52536
Total grounds listed in petitions	174		112		1188		612		8707		21,081		2003		1615		8424		8508		76		36		52536
Sub-total petitions	13	145	17	74	249	625	99	392	2135	3485	3590	12905	228	1483	356	793	2303	2759	1692	4681	13	48	4	27	38116
Total petitions	158		91		874		491		5620		16495		1711		1149		5062		6373		61		31		38116

DEPARTMENT OF JUSTICE
CENTRAL DIVORCE REGISTRY
STATISTICS
AS OF JULY 1, 1969

Province	Total Petitions	Total Active	(INACTIVE) Decrees Absolute	Petitions Dismissed	Petitions Discontinued
ONTARIO (48)**	16,495	13,270	3,019	35	171
BRITISH COLUMBIA (40)	6,373	4,535	1,754	22	62
QUEBEC (2)	5,620	4,324	1,244	9	43
ALBERTA (12)	5,062	3,219	1,796	4	43
MANITOBA (5)	1,711	962	704	3	42
SASKATCHEWAN (19)	1,149	748	373	7	21
NOVA SCOTIA (1)	874	641	217	7	9
NEW BRUNSWICK (1)	491	398	78	5	10
NEWFOUNDLAND (1)	158	125	28	0	5
PRINCE EDWARD ISLAND (2)	91	56	35	0	0
YUKON TERRITORY (1)	61	39	22	0	0
NORTHWEST TERRITORIES (1)	31	18	12	0	1
TOTAL PETITIONS (133)	38,116	28,335	9,282	92	407

**(No. in brackets indicates number of courts reporting)

DECREES ABSOLUTE GRANTED BY YEARS

	1967			1968*							1969 to June 30*		
				Former Law			New Law			1968	Former	New	
	Husband	Wife	Total	Husband	Wife	Total	Husband	Wife	Total	Total	Law	Law	Total
Nfld.**	5	6	11	8	6	14	0	1	1	15	**	27	27
P.E.I.	7	11	18	5	14	19	1	0	1	20	12	34	46
N.S.	145	249	394	177	314	491	2	4	6	497	146	211	357
N.B.	109	183	292	44	98	142	1	0	1	143	20	77	97
Quebec**	260	467	727	234	340	574	15	17	32	606	**	1212	1212
Ontario	1869	2481	4350	1792	2582	4374	30	39	69	4443	330	2950	3280
Manitoba	225	252	477	194	212	406	21	38	59	465	135	645	780
Sask.	174	225	399	169	208	377	0	7	7	384	58	366	424
Alberta	623	1113	1736	599	1131	1730	51	135	186	1916	229	1610	1839
B.C.	1118	1616	2734	910	1218	2128	38	54	92	2220	377	1662	2039
Y.T.	9	12	21	13	14	27	0	3	3	30	*	19	19
N.W.T.	3	3	6	5	4	9	1	1	2	11	*	10	10
	4547	6618	11165	4150	6141	10291	160	299	459	10750	1307	8823	10130

* Partial and preliminary statistics (issued in conjunction with D.B.S. and subject to revision at a later date)

** By session of Parliament under the former law only. Thus 1969 statistics are included in 1968 as part of 68-69 session

* Not available

DIVORCE DUPLICATIONS - July 2, 1968 to July 1, 1969

1. Duplications between provinces

Province	Number of Duplicated Petitions
ONTARIO	21 including 2 same filing date duplicated petitions (with Montreal and Calgary)
B. C.	16
QUEBEC	15 including 1 same filing date duplicated petition (with Barrie)
ALBERTA	13 including 1 same filing date duplicated petition (with Toronto)
MANITOBA	3
SASKATCHEWAN	3
NOVA SCOTIA	1
NEW BRUNSWICK	0
NEWFOUNDLAND	0
P.E.I.	1
YUKON	0
N.W.T.	1

TOTAL DUPLICATED PETITIONS - 74 (for a total of 37 divorce cases)

2. Internal Duplications

Petitions for divorce filed in the same court office or in different court offices in the same province:

Province	Number of Internal Duplications	Same Court Office	Same Province, Different Court Office
NOVA SCOTIA	2	2	-
NEW BRUNSWICK	2	2	-
QUEBEC	17	16	1
ONTARIO	94	60	34
MANITOBA	16	16	-
SASKATCHEWAN	8	6	2
ALBERTA	37	31	6
B. C.	53	27	26
	229	160	69

Divorces, 1968: The 10,750 final decrees of divorce granted during 1968 by Provincial and Territorial divorce courts and by the Senate of Canada were the second highest number on record, exceeded only by the 11,165 granted in 1967, according to preliminary figures released to-day by DBS.

Decreases from 1967 occurred in New Brunswick, Quebec, Manitoba, Saskatchewan, and British Columbia. As in previous years Ontario, British Columbia and Alberta accounted for about 80 p.c. of the total number granted in 1968.

The 1968 national divorce rate was 51.8 (per 100,000 population), the 5th highest on record, as compared with previous record highs of 65.4 (1947), 63.1 (1946), 54.7(1967) and 54.4(1948). Provincial divorce rates varied from a low of 3.0 per 100,000 population in Newfoundland to a high of 125.6 in Alberta. The only provinces with increased rates over 1967 were Newfoundland, Prince Edward Island, Nova Scotia, and Alberta as well as the two Territories.

Of the 10,750 final decrees granted during 1968, 459 cases related to petitions filed under the new Federal Divorce Act which came into effect July 2, 1968, and the balance of 10,291 to petitions filed under the former law. Of the 10,291 decrees granted under the former law, 6,141 or about 60 p.c. of the total were granted to the wife and 4,150 to the husband; of the 459 granted under the new law, 299 or about 65 p.c., were granted to the wife. Among the provinces the proportions of all decrees granted to the wife varied from 45 to 70%.

The total number of divorces (decrees absolute) and national divorce rates per 100,000 population (in brackets) for each year since World War II, the breakdown of these for the past 5 years, by province or Territory, and a further breakdown of the 1968 divorces by the legislation under which the petition was filed and to whom the final decree was granted, for each province and Territory, are provided in the following tables:

1. Divorces (decrees absolute), and rates Canada, 1946-68

1946 - 7,757 (63.1)	1952 - 5,650 (39.1)	1958 - 6,279 (36.8)	1964 - 8,623 (44.7)
1947 - 8,213 (65.4)	1953 - 6,160 (41.5)	1959 - 6,543 (37.4)	1965 - 8,974 (45.7)
1948 - 6,978 (54.4)	1954 - 5,923 (38.7)	1960 - 6,980 (39.1)	1966 - 10,239 (51.2)
1949 - 6,052 (45.0)	1955 - 6,053 (38.6)	1961 - 6,563 (36.0)	1967 - 11,165 (54.7)
1950 - 5,386 (39.3)	1956 - 6,002 (37.3)	1962 - 6,768 (36.4)	1968 - 10,750 (51.8) (Prel.)
1951 - 5,270 (37.6)	1957 - 6,688 (40.3)	1963 - 7,686 (40.6)	

2. Divorces, 1964-68 (and rates), by province.

	1968*		1967		1966		1965		1964	
	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate
Nfld.**	15	3.0	11	2.2	11	2.2	3	0.6	7	1.4
P.E.I.	20	18.2	18	16.5	18	16.6	16	14.7	5	4.6
N.S.	497	65.4	394	52.0	406	53.7	323	42.7	315	41.7
N.B.	143	22.9	292	47.1	155	25.1	237	38.5	210	34.4
Que.**	606	10.2	727	12.4	988	17.1	226	4.0	834	14.9
Ont.	4,443	60.8	4,350r	60.8r	4,101	58.9	4,087	60.2	3,508	52.9
Man.	465	47.9	477	49.5	524	54.4	443	45.9	418	43.6
Sask.	384	40.0	399	41.6	321	33.6	312	32.8	315	33.4
Alta.	1,916	125.6	1,736	116.5	1,567	107.1	1,348	93.0	1,389	97.1
B.C.	2,220	110.6	2,734	140.4	2,124	113.4	1,961	109.1	1,596	91.5
Yukon	30	200.0	21	140.0	21	146.0	12	85.7	24	160.0
N.W.T.	11	35.5	6	20.7	3	10.4	6	22.2	2	7.4
CANADA	10,750	51.8	11,165r	54.7	10,239	51.2	8,974	45.7	8,623	44.7

* Preliminary; **Granted by the Parliament of Canada. 1964 figures include Bills of divorce passed during the 2nd Session of the 26th Parliament 1964-1965; those for 1965, during the 3rd Session of the 26th Parliament, 1965; those for 1966, during the 1st Session of the 27th Parliament, 1966; those for 1967 during the 2nd Session of the 27th Parliament, 1967-1968, and those for 1968 during the 1st Session of the 28th Parliament, 1968-1969.

(r) Revised from previously released figures.

3. Divorces, 1968, by legislation under which petition was filed and party to whom decree was granted, by province.

	Under old Acts			Under new Act*			Total			P.C. to wife
	Husband	Wife	Total	Husband	Wife	Total	Husband	Wife	Total	
Nfld.	8	6	14	—	1	1	8	7	15	46.7
P.E.I.	5	14	19	1	—	1	6	14	20	70.0
N.S.	177	314	491	2	4	6	179	318	497	64.0
N.B.	44	98	142	1	—	1	45	98	143	68.5
Que.	234	340	574	15	17	32	249	357	606	58.9
Ont.	1,792	2,582	4,374	30	39	69	1,822	2,621	4,443	59.0
Man.	194	212	406	21	38	59	215	250	465	53.8
Sask.	169	208	377	—	7	7	169	215	384	56.0
Alta.	599	1,131	1,730	51	135	186	650	1,266	1,916	66.1
B.C.	910	1,218	2,128	38	54	92	948	1,272	2,220	57.3
Yukon	13	14	27	—	3	3	13	17	30	56.7
N.W.T.	5	4	9	1	1	2	6	5	11	45.5
Canada	4,150	6,141	10,291	160	299	459	4,310	6,440	10,750	59.9

* Source: Central Divorce Registry, Federal Department of Justice.

Not to be released before:

Ne pas publier avant: Publication immédiate.

La nouvelle Loi canadienne sur le divorce est en vigueur depuis un an. Une augmentation considérable du nombre des requêtes en divorce a été constatée, qui résulte principalement de l'élargissement des motifs de divorce en vertu de la loi. Nombre de personnes qui, aux termes des lois en vigueur au Canada au cours des cent dernières années, ne pouvaient divorcer, peuvent maintenant obtenir satisfaction aux termes de la nouvelle loi.

Du 2 juillet 1968 au 1er juillet 1969, 38,116 requêtes en divorce ont été présentées. Pendant cette période, des jugements irrévocables ont été rendus pour quelques 9,282 de ces requêtes. De plus, 92 requêtes ont été rejetées et 407 actions abandonnées. Des données statistiques supplémentaires portant sur la répartition géographique de ces chiffres sont jointes à ce communiqué.

Le nombre probable de jugements de divorce prononcés en moyenne par année en vertu de la nouvelle loi ne peut encore être déterminé. En 1968, les tribunaux ont essayé de liquider les nombreuses actions en divorce intentées en vertu de la loi préexistante avant de passer aux actions intentées sous le régime de la Loi sur le divorce. A mesure que le nombre de causes assujetties aux anciennes lois diminuera, le nombre de causes soumises à la loi nouvelle augmentera. De plus, si l'on tient compte du temps requis pour la signification des documents et de la période normale de trois mois qui doit s'écouler entre le jugement conditionnel et le jugement irrévocable, on s'aperçoit qu'un certain temps devra s'écouler avant que l'on ait une idée bien nette de l'application de la nouvelle loi.

D'après les statistiques partielles dont nous disposons actuellement, il semblerait qu'en 1968, quelques 10,750 jugements irrévocables ont été prononcés dont 10,291 en vertu de la loi préexistante et 459 en vertu de la nouvelle Loi sur le divorce. D'autre part, des statistiques partielles pour 1969 indiquent que ces actions intentées en vertu de l'ancienne loi disparaissent peu à peu tandis que les décisions prises en vertu de la nouvelle loi augmentent. Au cours des six premiers mois de 1969, sur 10,130 cas, quelques 1,307 jugements ont été prononcés en vertu de l'ancienne loi contre 8,823 en vertu de la nouvelle loi.

... 2

L'augmentation du nombre de causes soumises aux tribunaux sera pour ces derniers une lourde charge au cours des mois qui viennent. Certains retards se produiront par suite de cette situation et aussi par le fait que les nouveaux motifs de divorce nécessiteront la mise au point par les tribunaux de nouveaux critères permettant de déterminer si les exigences de la loi sont ou non satisfaites. Pendant les premiers mois d'application de la loi, les tribunaux doivent veiller tout particulièrement à ce que les premières causes, qui pourraient créer des précédents obligatoires pour les causes subséquentes soumises aux tribunaux, se voient accorder le temps et l'attention nécessaires pour que leurs règlements constituent des précédents juridiques valables.

Un exemple illustrant le genre de situation susceptible de se produire est celui des affaires McAdams c. McAdams et Sutt c. Sutt qui se sont présentées dans l'Ontario. Un problème de procédure découlant des règles de cour et relatif à la signification à domicile aux conjoints disparus semblait se poser au départ. La question fut immédiatement soumise à la Cour d'appel qui rendit un jugement écrit déclarant qu'en vertu des règles de cour de l'Ontario il pouvait y avoir signification à domicile aux conjoints disparus.

Un Bureau central d'enregistrement des divorces a été établi au ministère de la Justice, où sont consignées toutes les requêtes en divorce présentées au Canada. La fonction première du Bureau est de signaler aux tribunaux les requêtes qui font double emploi, afin que deux tribunaux ne jugent pas une action entre les mêmes parties. Il se peut, lorsque deux conjoints ont perdu contact, que l'un intente une action contre l'autre sans savoir où se trouve ce conjoint auquel les documents doivent être remis. Le Bureau étudie les renseignements qu'il reçoit sur les requêtes grâce aux services d'ordinateurs fournis par le Bureau central de traitement des données et signale aux tribunaux les doubles emplois afin que les deuxièmes requêtes puissent être retirées. A ce jour, il y a eu 37 cas de double emploi entre les provinces, soit un double emploi pour 1,030 requêtes. Dans 2 de ces cas, les requêtes avaient été présentées le même jour avec le résultat, au point de vue juridique, que dans chacun des cas, si aucune partie ne se retirait, l'affaire viendrait devant la Cour de l'Echiquier plutôt que devant le tribunal provincial. Il y a également eu 229 doubles emplois intéressant les greffes d'une même province. Soixante-neuf de ces cas étaient soumis à deux greffes de la même province; dans les 160 autres les deux requêtes avaient été présentées au même greffe. Dans 2 cas également une requête a été présentée par un conjoint après qu'un jugement irrévocable eût été rendu à l'égard de l'autre conjoint.

D'après les renseignements reçus par le Bureau à l'égard des requêtes en divorce présentées entre le 2 juillet 1968 et le 1er juillet 1969, il semblerait que, dans la plupart des cas, un seul motif de divorce est allégué. Un seul motif est allégué dans 27,417 requêtes, plusieurs motifs dans 10,699 autres pour un total de 38,116 requêtes.

... 3

Les motifs multiples sont souvent la cruauté physique jointe à la cruauté mentale et l'adultère ou l'alcoolisme, mais, de nombreuses autres combinaisons de motifs sont invoquées dans les requêtes.

(Un tableau des motifs de divorce est donné en annexe; il montre la répartition par provinces des motifs de divorce tels qu'ils sont indiqués dans les enregistrements de requêtes reçus par le Bureau central d'enregistrement des divorces. Le chiffre inscrit pour un motif sous la lettre "M", indique que ce motif est un des motifs multiples allégué dans la requête. Le chiffre inscrit pour un motif sous la lettre "U", indique que ce motif est l'unique motif allégué dans la requête. En conséquence, on notera que le nombre total de motifs indiqués au tableau est plus élevé que le nombre total de requêtes.)

DOUBLES DIVORCES - 2 juillet 1968 au 1er juillet 1969

1. Doubles emplois entre provinces

Province	Nombre de doubles requêtes
ONTARIO	21 y compris 2 doubles requêtes de la même date (avec Montréal et Calgary)
C.-B.	16
QUEBEC	15 y compris 1 double requête de la même date (avec Barrie)
ALBERTA	13 y compris 1 double requête de la même date (avec Toronto)
MANITOBA	3
SASKATCHEWAN	3
NOUVELLE-ECOSSE	1
NOUVEAU-BRUNSWICK	0
TERRE-NEUVE	0
I.P.-E.	1
T.Y.	0
T.N.-O.	1

TOTAL DES DOUBLES REQUETES - 74 (pour un total de 37 cas de divorce)

2. Doubles emplois internes

Requêtes en divorce produites au même greffe ou dans différents greffes de la même province:

Province	Nombre de doubles emplois internes	Même greffe	Même province, greffe différent
NOUVELLE-ECOSSE	2	2	-
NOUVEAU-BRUNSWICK	2	2	-
QUEBEC	17	16	1
ONTARIO	94	60	34
MANITOBA	16	16	-
SASKATCHEWAN	8	6	2
ALBERTA	37	31	6
C.-B.	53	27	26
	229	160	69

JUGEMENTS IRRÉVOCABLES PRONONCÉS PAR ANNÉES

	1967			1968*							1969 (au 30 juin*)		
				Ancienne loi			Nouvelle loi			1968	Ancienne loi	Nouvelle loi	
	Mari	Femme	Total	Mari	Femme	Total	Mari	Femme	Total	Total			Total
T.-N.**	5	6	11	8	6	14	0	1	1	15	**	27	27
I.P.-É.	7	11	18	5	14	19	1	0	1	20	12	34	46
N.-É.	145	249	394	177	314	491	2	4	6	497	146	211	357
N.-B.	109	183	292	44	98	142	1	0	1	143	20	77	97
Québec	260	467	727	234	340	574	15	17	32	606	**	1212	1212
Ontario	1869	2481	4350	1792	2582	4374	30	39	69	4443	330	2950	3280
Manitoba	225	252	477	194	212	406	21	38	59	465	135	645	780
Sask.	174	225	399	169	208	377	0	7	7	384	58	366	424
Alberta	623	1113	1736	599	1131	1730	51	135	186	1916	229	1610	1839
C.-B.	1118	1616	2734	910	1218	2128	38	54	92	2220	377	1662	2039
T.Y.	9	12	21	13	14	27	0	3	3	30	*	19	19
T.N.-O.	3	3	6	5	4	9	1	1	2	11	*	10	10
	4547	6618	11165	4150	6141	10291	160	299	459	10750	1307	8823	10130

* Statistiques partielles et préliminaires (publiées conjointement avec le B.F.S. et sujettes à révision à une date ultérieure)

** Par session du Parlement en vertu de l'ancienne loi seulement. Ainsi, les statistiques de 1969 sont incluses dans l'année 1968 comme faisant partie de la session 1968-69

* Inexistantes

MINISTÈRE DE LA JUSTICE
BUREAU CENTRAL D'ENREGISTREMENT DES DIVORCES
STATISTIQUES
du 2 juillet 1968 au 1er juillet 1969

Province	Total des requêtes	Total en instance	Jugements irrévocables	Requêtes rejetées	Requêtes abandonnées
ONTARIO (48)++	16,495	13,270	3,019	35	171
COLOMBIE-BRITANNIQUE (4o)	6,373	4,535	1,754	22	62
QUÉBEC (2)	5,620	4,324	1,244	9	43
ALBERTA (12)	5,062	3,219	1,796	4	43
MANITOBA (5)	1,711	962	704	3	42
SASKATCHEWAN (19)	1,149	748	373	7	21
NOUVELLE-ÉCOSSE (1)	874	641	217	7	9
NOUVEAU-BRUNSWICK (1)	491	398	78	5	10
TERRE-NEUVE (1)	158	125	28	0	5
ILE-DU-PRINCE-ÉDOUARD (2)	91	56	35	0	0
TERRITOIRE DU YUKON (1)	61	39	22	0	0
TERRITOIRES DU NORD-OUEST(1)	31	18	12	0	1
TOTAL DES REQUÊTES (133)	38,116	28,335	9,282	92	407

++ (Le chiffre entre parenthèses indique le nombre de tribunaux faisant rapport)

MOTIFS ALLÉGUÉS DANS LES REQUÊTES EN DIVORCE

du 2 juillet 1968 au 30 juin 1969

Motifs	T.-N. M	T.-N. U	I.P.-É. M	I.P.-É. U	N.-É. M	N.-É. U	N.-B. M	N.-B. U	Québec M	Québec U	Ontario M	Ontario U	Man. M	Man. U	Sask. M	Sask. U	Alb. M	Alb. U	C.-B. M	C.-B. U	T.Y. M	T.Y. U	T.N.-O. M	T.N.-O. U	Total motifs
A																									
1 Adultère	4	32	2	15	52	201	17	147	1128	788	800	3702	30	345	70	222	718	1028	282	1768	6	18	1	9	11385
2 Sodomie					1				2		12	2			2		6		8	1					34
3 Bestialité									2		5	1			1		1		2	1					1
4 Viol									6		1	3			1		1		3	1					16
5 Acte d'homosexualité	1				3		1		28	7	12	15	1		2		4	1	9	2					86
6 Mariage subséquent	1					2			7	1	43	22					8	6	10	6					106
7 Cruauté physique	7		12	1	168	9	39	7	897	18	1780	53	152	6	218	32	1864	68	1059	102	7	2	3	1	6505
8 Cruauté mentale	6	5	11		164	15	36	1	1195	131	1752	95	151	9	213	10	1918	99	1080	129	6	2	3	2	7033
B																									
1 Emprisonnement de 3 ans					1	1	2	1	22	6	45	19	3		2	2	11	3	11	14					143
2 Emprisonnement de longue durée									8	6	7	4		1				1	4	1					32
3 Alcoolisme	1		3	3	38	7	11	2	377	14	356	84	18		58	8	255	26	225	56		1			1543
4 Narcomanie					2				27	1	16	1	4		2		7		10	5					75
5 Ignorance du lieu où se trouve le conjoint	1		1		14	7	7	6	83	3	278	102	10	12	6	1	55	25	68	26					705
6 Non-consommation	1				2		5	2	88	46	47	70	2	4	1	6	11	15	13	14					327
7 Séparation depuis 3 ans	7	105	6	52	83	332	70	204	1305	2422	2099	7426	103	1033	170	441	606	1284	702	2222	7	17	1	14	20714
8 Abandon depuis 5 ans		3	3	3	35	51	32	22	47	42	923	1306	46	73	76	68	200	203	341	333	2	8	1	1	3819
Totaux partiels des motifs	29	145	38	74	563	625	220	392	5222	3485	8176	12905	520	1483	822	793	5665	2759	3827	4681	28	48	9	27	52536
Total des motifs allégués dans les requêtes	174		112		1188		612		8707		21,081		2003		1615		8424		8508		76		36		52536
Totaux partiels des requêtes	13	145	17	74	249	625	99	392	2135	3485	3590	12905	228	1483	356	793	2303	2759	1602	4681	13	48	4	27	38116
Total des requêtes	158		91		874		491		5620		16,495		1711		1149		5062		6373		61		31		38116

News Release

MINISTER OF JUSTICE ANNOUNCES HANDGUN AMNESTY

OTTAWA, October 8, 1998 -- The Honourable Anne McLellan, Minister of Justice and Attorney General for Canada, announced today a number of regulatory changes regarding firearms, including a year's amnesty for those in possession of handguns that will be prohibited under the Criminal Code when the Firearms Act takes effect December 1, 1998.

"These changes follow consultations and recommendations from the User Group on Firearms. They will result in a better public service and will ensure that all interested parties have had the chance to prepare for implementation. The regulations reflect our continuing concern for public safety," said Minister McLellan.

The content of the final regulations is the same as was pre-published on June 20.

De-listed Firearms

No new firearms are being prohibited as part of these changes. In fact, three models of the Valmet Hunter rifle, a semi-automatic rifle that is commonly used for hunting in Northern Canada, have now been re-classified from prohibited to non-restricted.

Amnesty for banned handguns

In February of 1995, the government announced its intention to ban certain handguns, often called 'Saturday night specials'. The ban will take effect on the commencement day of the Firearms Act, which is December 1, 1998. This prohibition includes any handgun with a barrel length of 105 mm or less and all 25 and 32 caliber models.

Those in possession of these firearms, and who had applied to have them registered before February 14, 1995, will be able to take advantage of the 'grandfathering' clause in the Firearms Act which allows grandfathered owners to keep and use these firearms (with the proper authorization) and to sell the firearms to those with the same privileges.

Furthermore, the minister has announced a one year amnesty, to take effect on December 1, 1998, for individuals and dealers who have such firearms but which have not been grandfathered, in order to allow more time for appropriate action to be taken by affected owners. Options available to non-grandfathered individuals and dealers include: increasing the length of the barrel, exporting the firearm, de-activating the firearm, selling or donating it to a museum or turning it in to authorities. Individuals who have grandfathered handguns (e.g. as part of an estate), but are not themselves grandfathered, can sell them back to a grandfathered owner.

Phasing-in of certain regulations

The implementation plan for the Firearms Act calls for the phasing-in of certain regulations. The key features of the Act -- licensing and registration -- and the supporting regulations will come into force on December 1, 1998, as announced. Some regulations, such as those concerning reporting requirements for public agents, export/import of firearms by businesses, and gun shows will take effect April 1, 1999. A complete implementation schedule of these and other regulations and statutory provisions is available upon request.

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Backgrounder

AMNESTY FOR SHORT BARRELED AND 25 & 32 CALIBRE HANDGUNS

An amnesty for those in possession of prohibited handguns (short barreled and 25 and 32 calibre handguns) means that owners and dealers will now have until December 1, 1999 to take appropriate action.

- Those who owned these handguns prior to the declaration of their prohibition on February 14, 1995 will have 'grandfathered' rights under section 12(6) of the Firearms Act, to be implemented December 1, 1998. Owners have two choices: to continue to use their firearms with the appropriate authorization or to sell them to another individual who is also 'grandfathered' for the same firearms.

- Individuals who acquired after the ban was announced in February, 1995, and dealers who are left with inventory, have a choice of selling or giving their firearms to a museum or a specially licensed business, exporting them, turning them over to authorities, or deactivating the firearm. If the gun itself was grandfathered -- registered to another individual on February 14, 1995 -- it can be sold back to a grandfathered person.

The government decided to enact this prohibition because public safety is threatened by these easily concealed weapons. Some firearms used in shooting competitions have been exempted from the prohibition. The amnesty will give more time to dealers who had stocks of these prohibited handguns on February 14, 1995.

Non 'grandfathered' individuals who purchased these handguns after February 14, 1995, were told at the time of registration that they could not retain the firearms once the prohibition came into effect.

These are two sample pictures of the handguns involved:

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DELISTED FIREARM

Valmet Hunter

These firearms will no longer be prohibited firearms. It has been determined that these are hunting rifles and are not military or paramilitary in nature.

- The Valmet Hunter was placed on the prohibited list November 1994 through an order in council.

- At the request of the manufacturers and of the Minister's User Group on Firearms, a review of the Valmet Hunter was conducted by firearms experts.

It has been determined that three models of the Valmet Hunter -- the Valmet Hunter and its variants, the Valmet Hunter Auto and the Valmet M78 -- all available in different calibers -- are suitable for hunting and will no longer be prohibited.

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PHASING-IN PLAN OF FIREARMS ACT - DECEMBER 1, 1998

On December 1, 1998, the *Firearms Act* will be brought into force along with part III of the *Criminal Code* and the supporting regulations except as shown below. On that date, the licencing of all firearms owners and the registration of all long-guns will begin

A. Items to come into force April 1, 1999

Import/Export authorizations for Businesses (*Firearms Act* sections 43 to 53 and supporting regulations)

Gun Show Operation Requirements (regulations)

Public Agents reporting requirements (sections 8 to 10 and 12 to 16 of regulations)

Offence for Transfer of Crossbow to someone without a licence (*Criminal Code* section 97)

B. Items to come into force December 1, 1999

Operation of shooting club or range approval requirement (*Firearms Act* 29(1))

Approval requirement for transfers of prohibited goods to businesses (*Firearms Act* sections 24(2)(c) and 24(2)(d))

End of amnesty period for prohibited handguns

C. Elements to come into effect January 1, 2001

Deadline for licencing

Import/Export provisions for Individuals (*Firearms Act* sections 35 to 42 and regulations. Selected parts of section 35 will be brought into force December 1, 1998 to allow non-residents to get authorizations to transport)

Need to show a valid licence to purchase ammunition (alternate documentation required until then)

D. Elements to come into effect January 1, 2003

Deadline for registering all long guns.

E. Elements to come into force at an undetermined date

Designated person requirement for delivery of firearms by mail (*Firearms Act* section 32(b))

Temporary borrowing licence for non residents (*Firearms Act* sections 5(3) and 7(4)(e))

ADOPTION PROGRESSIVE DE LA LOI SUR LES ARMES À FEU - LE 1ER DÉCEMBRE 1998

Le 1er décembre 1998, la *Loi sur les armes à feu* entrera en vigueur ainsi que la partie III du *Code criminel* et les règlements d'application, sauf les exceptions ci-dessous. Cette date marque le début de la délivrance de permis à tous les propriétaires d'armes à feu et de l'enregistrement de toutes les armes d'épaule

A. Points qui entrent en vigueur le 1er avril 1999

Permis d'importation et d'exportation, et autorisations connexes, pour les entreprises (articles 43 à 53 de la *Loi sur les armes à feu* et règlement d'application)

Conditions d'exploitation d'une exposition d'armes à feu (règlement)

Exigences en matière de déclaration pour les fonctionnaires (articles 8 à 10 et 12 à 16 du règlement)

Infraction de céder une arbalète à une personne qui ne détient pas un permis (article 97 du *Code criminel*)

B. Points qui entrent en vigueur le 1er décembre 1999

Approbation des conditions de l'exploitation d'un club ou champ de tir (par. 29(1) de la *Loi sur les armes à feu*)

Approbation requise pour les cessions de biens prohibés à des entreprises (alinéas 24(2)c) et d) de la *Loi sur les armes à feu*)

Fin de la période d'amnistie pour les armes de poing prohibées

C. Éléments qui entreront en vigueur le 1er janvier 2001

Délai pour obtenir un permis

Permis d'importation et d'exportation, clauses pour les particuliers (articles 35 à 42 de la *Loi sur les armes à feu* et règlement. Des parties de l'article 35 entreront en vigueur le 1er décembre 1998 pour permettre à des non-résidents d'obtenir des autorisations de transport)

Obligation de présenter un permis valide pour acheter des munitions (documentation temporaire requise jusqu'au ce moment-là

D. Éléments qui entreront en vigueur le 1 janvier 2003

Délai pour enregistrer toutes les armes d'épaule

E. Éléments qui entreront en vigueur à une date indéterminée

Conditions exigées de la personne désignée pour la livraison d'armes à feu par la poste (alinéa 32b) de la *Loi sur les armes à feu.*

Permis d'emprunt temporaire pour non-résidents (par. 5(3) et alinéa 7(4)e) de la *Loi sur les armes à feu*)

Fiche documentaire

RECLASSEMENT D'ARMES À FEU

Le Valmet Hunter

Ces armes à feu ne seront plus désignées comme des armes à feu prohibées. Il a été déterminé que ces armes sont des fusils de chasse et ne sont pas des armes conçues à des fins militaires ou paramilitaires en tant que tel.

- Le Valmet Hunter avait été intégré à la liste d'armes à feu prohibées en novembre 1994 par un décret.

- À la demande des fabricants et du Groupe d'utilisateurs d'armes à feu désigné par le ministre, un examen du Valmet Hunter a été effectué par des experts en armes à feu.

Ils ont décidé que trois modèles du Valmet Hunter, le Valmet Hunter et ses variantes, le Valmet Hunter Auto et le Valmet M78, qui sont tous disponibles en différents calibres, peuvent servir pour la chasse et ne seront plus prohibés.

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Fiche documentaire

AMNISTIE POUR LES ARMES DE POING À CANON COURT ET POUR LES ARMES DE POING DE CALIBRES 25 ET 32

Une amnistie donne maintenant jusqu'au 1er décembre 1999 aux propriétaires, aux vendeurs et aux personnes en possession d'armes de poing prohibées (canon court et calibres 25 et 32) pour prendre les mesures qui s'imposent.

- Les personnes qui étaient propriétaires de ces sortes d'armes de poing avant qu'une prohibition ne les frappe le 14 février 1995 posséderont des droits acquis en vertu du paragraphe 12(6) de la *Loi sur les armes à feu*, qui sera mise en œuvre le 1er décembre 1998. Les propriétaires ont deux possibilités : continuer à utiliser leurs armes à feu avec l'autorisation appropriée ou les vendre à une personne détenant également des droits acquis sur ces armes à feu.

- Les personnes qui ont acquis leur arme à feu après l'annonce de la prohibition en février 1995 et les vendeurs qui ont encore cette sorte d'arme en stock ont comme choix de : vendre ou de faire don de ces armes à feu à un musée ou à un commerce qui est titulaire d'un permis spécial; de les exporter; de les livrer aux autorités; ou encore de neutraliser l'arme. Si l'arme à feu faisait l'objet de droits acquis et était enregistrée au nom d'une autre personne au 14 février 1995, elle peut être revendue à un particulier détenant des droits acquis.

Le gouvernement a décidé d'édicter cette prohibition, parce que la sécurité du public était menacée par ces armes faciles à dissimuler. Certaines armes à feu utilisées dans les compétitions de tir ont été exemptées de la prohibition. L'amnistie donnera plus de temps aux vendeurs pour écouler leurs stocks d'armes de poing prohibées depuis le 14 février 1995.

Les personnes ne possédant pas de droits acquis et qui ont acheté des armes de poing prohibées après le 14 février 1995 ont été averties lors de l'enregistrement des armes qu'elles ne pourront pas les conserver lorsque la prohibition entrera définitivement en vigueur.

Les deux photos qui suivent représentent des échantillons des armes de poing visées:

dans la *Loi sur les armes à feu.* Cette clause permet aux particuliers jouissant de droits acquis de garder et d'utiliser ces armes (pourvu qu'ils soient munis de l'autorisation nécessaire) et de les vendre à des particuliers qui jouissent des mêmes privilèges.

En outre, la Ministre a annoncé une amnistie d'un an, à compter du 1er décembre 1998, pour les particuliers et les détaillants en possession de telles armes à feu pour lesquelles ils n'ont pas de droits acquis, afin que les propriétaires aient plus de temps pour prendre les mesures qui s'imposent. Les options à la disposition des particuliers et des détaillants sans droits acquis sont, notamment : allonger le canon de l'arme à feu, exporter l'arme à feu, désactiver l'arme à feu, la vendre ou la donner à un musée, ou la remettre aux autorités. Les particuliers en possession d'armes de poing faisant l'objet de droits acquis (p. ex. une arme faisant partie d'une succession), mais qui ne possèdent pas eux-mêmes de tels droits, peuvent les revendre à un propriétaire d'armes à feu bénéficiant de droits acquis.

Mise en place progressive de certains règlements

Le plan de mise en oeuvre des dispositions de la *Loi sur les armes à feu* prévoit la mise en place progressive de certains règlements. L'élément clé de la Loi -- les dispositions en matière de permis et d'enregistrement -- et les règlements d'application entreront en vigueur le 1er décembre 1998, comme il a été annoncé. Certains règlements, notamment ceux portant sur les exigences de divulgation à l'égard des agents publics, sur l'exportation ou l'importation d'armes à feu par des entreprises, et sur les expositions d'armes à feu, entreront en vigueur le 1er avril 1999. On peut se procurer un calendrier de la mise en oeuvre complète de ces règlements et d'autres ainsi que des dispositions statutaires, sur demande.

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1-800-731-4000.

English version available

Communiqué

LA MINISTRE DE LA JUSTICE ANNONCE UNE AMNISTIE CONCERNANT LES ARMES DE POING

Ottawa, le 8 octobre 1998 -- La ministre de la Justice et procureure générale du Canada, Anne McLellan, a annoncé aujourd'hui des modifications aux règlements portant sur les armes à feu, notamment une amnistie d'un an pour les personnes en possession d'armes de poing qui, en vertu du *Code criminel*, seront prohibées lorsque la *Loi sur les armes à feu* entrera en vigueur le 1er décembre 1998.

"Ces changements font suite aux consultations et aux recommandations faites par le Groupe d'utilisateurs d'armes à feu. Les modifications auront pour effet de donner un meilleur service au public et assureront que toutes les parties intéressées aient eu la possibilité de se préparer pour la mise en oeuvre. Les règlements reflètent notre préoccupation continue à l'égard de la sécurité du public", explique la Ministre.

Le contenu des derniers règlements est le même que celui publié par anticipation le 20 juin.

Reclassement d'armes à feu

Aucun nouveau modèle d'armes à feu n'est prohibé par suite de ces changements. En fait, il y a eu une reclassification de trois modèles du Valmet Hunter, une carabine semi-automatique actuellement utilisée pour la chasse dans le nord du Canada. Ces modèles sont passés de la liste des armes prohibées à celle des armes sans restrictions.

Amnistie à l'égard des armes de poing prohibées

En février 1995, le gouvernement a annoncé son intention d'interdire certaines armes de poing, souvent appelées les "armes du samedi soir". L'interdiction prendra effet à la date de référence prévue dans la *Loi sur les armes à feu*, à savoir le 1er décembre 1998. Cette interdiction touche toutes les armes de poing dont le canon mesure 105 mm ou moins et tous les modèles de calibres 25 et 32.

Les personnes en possession de telles armes à feu, et qui ont, avant le 14 février 1995, présenté une demande d'enregistrement, pourront se prévaloir de la clause des "droits acquis" prévue

Department of Justice

News Release

MINISTER OF JUSTICE ANNOUNCES FINAL REGULATIONS TO THE *FIREARMS ACT*

OTTAWA, March 26, 1998 -- The Honourable Anne McLellan, Minister of Justice and Attorney General of Canada, today announced the final set of regulations to implement the *Firearms Act.* The regulations will come into effect October 1, 1998.

"With this final set of regulations, we now have the necessary legislative framework to implement the new firearms legislation in an efficient and effective way", said Minister McLellan. "Firearms safety is everyone's concern. These regulations will help foster a culture of safety across Canada."

The Firearms Regulations were developed following thorough consultations with firearm users, industry groups and others, including the Minister's Advisory User Group on Firearms, victims of violent crime, police, Chief Firearms Officers across Canada, shooting organizations, women's organizations, health professionals, and businesses.

"We have consulted extensively with firearm owners and various groups of stakeholders and have addressed their concerns voiced through the Standing Committee on Justice", added Minister McLellan. "The regulations strike a balance between the interests of firearm owners and the objective of increased public safety in Canada."

The *Firearms Act* and Regulations require the universal registration of all firearms by January 1, 2003, the licencing of all firearm owners by January 1, 2001, the obligation to pass a firearms safety test for acquisition licences, and the safe storage, transportation and use of all firearms. Fees associated with licencing and registration have been kept to a minimum. Stiffer *Criminal Code* penalties for firearm crimes were implemented on January 1, 1996.

The new computerized system will combine licencing data and firearms registration data on a single system which will, amongst other things, provide on-line access of firearm information to all police officers through the Canadian Police Information Centre (CPIC). The legislation also provides for stringent background checks, including spousal notification for anyone applying for or renewing a firearms acquisition licence. This will enhance public safety.

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To help firearm users understand their new obligations, the Canadian Firearms Centre (CFC) is developing a plain-language Guide to the *Firearms Act*. The government's official response to the recommendations of the Standing Committee, the Guide and other plain-language publications will be available through the CFC's toll-free enquiries line at 1-800-731-4000 or website at http://canada.justice.gc.ca.

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BACKGROUNDER
FIREARMS REGULATIONS

The regulations made March 24, 1998 support the *Firearms Act* and include regulations tabled November 27, 1996 and proposed regulations tabled October 30, 1997. Following Parliamentary hearings, which took place in the winter of 1996-97 and fall 1997, the Minister announced a number of modifications which addressed practical considerations expressed by firearm owners. These are included in the final regulations made public today.

The following are some of the responses to concerns voiced through the House of Commons Standing Committee on Justice and Human Rights:

Verification Procedures

The verification on transfer of restricted and prohibited firearms will begin on October 1, 1998. As originally proposed, the verification of non-restricted shotguns and rifles will take place only at the time of the first transfer of the firearm to a new owner on or after January 1, 2003, or if the firearm owner chooses to do so, on a voluntary basis. Verification on registration for all business registrations and new imports by individuals will commence October 1, 1998. The creation of a verifiers network is already underway by the Registrar of Firearms, in consultation with provincial Chief Firearms Officers and the User Group. The Registrar of Firearms will have a sufficient number of verifiers in place on October 1, 1998 to support the registration process. Verification involves the confirmation of key identifying features of a firearm, such as the make, the model and serial number, by a knowledgeable person.

Registration Certificates

The information appearing on the registration card will be limited to the firearm owner's licence number. The certificate will not contain personal information such as the name, address or date of birth of the holder. This will enhance security by not revealing the location of firearms should the card be lost.

Shooting Clubs and Ranges

The concept of range safety officer has been clarified, and the operators of shooting ranges and clubs will be responsible for developing and disseminating safety rules to their guests and members. Regulations now include a requirement for shooting clubs to keep records of guests who participate in shooting activities using restricted firearms or prohibited handguns. The insurance liability requirements have also been clarified, in consultation with the Insurance Bureau of Canada, to reflect the insurance industry's terms and conditions of coverage. In addition, the newly regulated shooting ranges will be given a period of time to bring themselves into compliance.

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Gun Shows

The regulations provide for a narrower and more practical definition of the security perimeter of firearm shows. Storage, display and transportation requirements tailored to the circumstances of gun shows have been inserted and more flexible rules have been added concerning the final list of exhibitors that the sponsor must provide to the Chief Firearms Officer.

Fees

The Regulations set a bulk rate (maximum rate of $250) for the transfer of firearms registered by a single beneficiary of an estate.

Information

The Canadian Firearms Centre is developing a plain-language Guide to the *Firearms Act* and other information materials that will be available through the CFC enquiry line at 1-800-731-4000 or website at http://canada.justice.gc.ca. The CFC will work closely with its national and provincial counterparts involved in tourism to ensure that the firearms legislation does not have a negative impact on hunting, tourism or business.

registres des invités qui participent à des activités de tir et qui utilisent des armes à feu à autorisation restreinte ou des armes de poing prohibées. Les exigences relatives à la responsabilité ont également été mises au clair, en consultation avec le Bureau d'assurance du Canada, afin de refléter les modalités de couverture des compagnies d'assurances. De plus, on accordera aux nouveaux champs de tir une période déterminée pour se conformer aux Règlements.

Expositions d'armes à feu

Les règlements présentent une définition plus précise et plus pratique sur le périmètre dans lequel doit être assurée la sécurité au cours des expositions d'armes à feu. On a inséré dans les règlements des exigences relatives à l'entreposage, à l'exposition et au transport conçues pour les expositions d'armes à feu. On a également ajouté des règles plus souples concernant la liste finale des exposants que le parrain doit fournir au contrôleur des armes à feu.

Frais

Les règlements prévoient un tarif global (maximum de 250 $) pour la cession des armes à feu enregistrées par un bénéficiaire unique d'une succession.

Information

Le Centre canadien des armes à feu élabore un guide en langage clair et simple sur la *Loi sur les armes à feu* et d'autres documents d'information que vous pourrez vous procurer en communiquant avec la ligne de renseignements du Centre canadien des armes à feu (CCAF) (1-800-731-4000) ou en visitant son site web à l'adresse suivante : http://canada.justice.gc.ca. Le CCAF travaillera en étroite collaboration avec ses homologues nationaux et provinciaux qui oeuvrent dans le domaine du tourisme afin de veiller à ce que la *Loi sur les armes à feu* et ses règlements n'aient pas d'incidence négative sur la chasse, le tourisme ou le commerce.

FICHE D'INFORMATION
RÈGLEMENTS SUR LES ARMES À FEU

Les règlements du 24 mars 1998 viennent appuyer la *Loi sur les armes à feu* et comprennent les règlements déposés le 27 novembre 1996 et le projet de règlements déposé le 30 octobre 1997. À la suite des audiences parlementaires, qui ont eu lieu au cours de l'hiver 1996-1997 et de l'automne 1997, la Ministre a annoncé un certain nombre de modifications destinées à répondre aux préoccupations pratiques formulées par des propriétaires d'armes à feu. Celles-ci sont incluses dans la version finale des règlements qui est rendue publique aujourd'hui.

Voici certaines des réponses aux préoccupations formulées par l'entremise du Comité permanent de la Chambre des communes de la justice et des droits de la personne :

Procédures de vérification

À partir du 1er octobre 1998, les armes à feu à autorisation restreinte et les armes à feu prohibées qui seront cédées devront faire l'objet d'une vérification. Comme on l'a proposé au départ, la vérification des fusils de chasse et des carabines à utilisation non restreinte n'aura lieu qu'au moment où une arme à feu est cédée à un nouveau propriétaire le 1er janvier 2003 ou après, ou si le propriétaire en fait la demande. La vérification, au moment de l'enregistrement, de toutes les armes à feu enregistrées par les entreprises commerciales et des armes nouvellement importées par des particuliers commencera le 1er octobre 1998. Le registraire des armes à feu travaille déjà à créer un réseau de vérificateurs, en consultation avec les contrôleurs des armes à feu provinciaux et le Groupe d'utilisateurs. Le 1er octobre 1998, le registraire disposera d'un nombre suffisant de vérificateurs pour mettre en oeuvre le processus d'enregistrement. La vérification consistera à faire confirmer les caractéristiques clés d'une arme à feu, par exemple le modèle, la fabrication et le numéro de série, par un expert en la matière.

Certificats d'enregistrement

Le seul renseignement qui figurera sur le certificat d'enregistrement sera le numéro de permis d'arme à feu du propriétaire. Le certificat ne contiendra aucun renseignement personnel comme le nom, l'adresse ou la date de naissance du détenteur. On augmentera ainsi le niveau de sécurité, étant donné que le certificat ne révélera pas l'emplacement des armes à feu, au cas où le détenteur perdrait sa carte.

Clubs de tir et champs de tir

Le concept de « directeur des règles de sécurité » a été précisé, et les responsables des clubs et des champs de tir seront chargés d'élaborer des règles de sécurité et de les communiquer aux invités et aux membres. Les règlements exigent maintenant que les clubs de tir tiennent des

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Le nouveau système informatisé combinera les données sur les permis et celles surl'enregistrement des armes à feu dans un seul système qui fournira entre autres aux policiers un accès direct à de l'information portant sur les armes à feu à partir du Centre d'information de la police canadienne (CIPC). La Loi exige également des vérifications rigoureuses des antécédents et prévoit qu'un avis devra être envoyé au conjoint de toute personne qui demande ou qui renouvelle un permis d'acquisition d'arme à feu. Cela permettra d'améliorer la sécurité publique.

Afin d'aider les utilisateurs d'armes à feu à comprendre leurs nouvelles obligations, le Centre canadien des armes à feu (CCAF) élabore un guide écrit en termes simples portant sur la *Loi sur les armes à feu*. Vous pourrez vous procurer ce guide, la réponse officielle du gouvernement aux recommandations du Comité permanent, ainsi que d'autres publications, en composant le numéro sans frais 1-800-731-4000 du CCAF ou en visitant son site web à l'adresse suivante : http://canada.justice.gc.ca.

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Communiqué

LA MINISTRE DE LA JUSTICE ANNONCE LA VERSION FINALE DES RÈGLEMENTS DE LA *LOI SUR LES ARMES À FEU*

OTTAWA, le 26 mars 1998 -- La ministre de la Justice et procureure générale du Canada, Anne McLellan, a annoncé aujourd'hui les derniers règlements d'application de la *Loi sur les armes à feu.* Ces règlements entreront en vigueur le 1er octobre 1998.

« Grâce à ces derniers règlements, nous disposons maintenant du cadre législatif nécessaire pour mettre en oeuvre la nouvelle *Loi sur les armes à feu* de façon efficiente et efficace, a affirmé Mme McLellan. La sécurité des armes à feu est l'affaire de tous et toutes. Ces règlements aideront à favoriser une culture de sécurité partout au Canada. »

Les Règlements sur les armes à feu ont été élaborés à la suite de nombreuses consultations menées auprès de groupes d'utilisateurs d'armes à feu, d'industries et autres, notamment le Groupe consultatif des utilisateurs d'armes à feu chargé de conseiller la ministre; les victimes de violence; les policiers; les contrôleurs des armes à feu au Canada; les organisations de tir; les associations de femmes; les professionnels de la santé et les entreprises commerciales.

« Nous avons mené des consultations exhaustives auprès des propriétaires d'armes à feu et de divers groupes d'intervenants et nous avons examiné les préoccupations formulées par l'entremise du Comité permanent de la justice et des droits de la personne, a ajouté Mme McLellan. Les règlements établissent un équilibre entre les intérêts des propriétaires d'armes à feu et notre objectif d'améliorer la sécurité publique au Canada. »

La *Loi sur les armes à feu* et ses règlements prévoient l'enregistrement universel de toutes les armes à feu d'ici le 1er janvier 2003, l'octroi de permis à tous les propriétaires d'armes à feu d'ici le 1er janvier 2001, l'obligation de réussir un examen de sécurité pour obtenir un permis d'acquisition d'arme à feu, ainsi que l'entreposage, le transport et l'utilisation sécuritaires de toutes les armes à feu. Les frais associés à l'obtention des permis et à l'enregistrement ont été réduits au minimum. Depuis le 1er janvier 1996, le *Code criminel* prévoit des peines plus sévères pour les crimes liés aux armes à feu.

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Department of Justice

News Release

MINISTER OF JUSTICE INTRODUCES FIREARMS LEGISLATION

OTTAWA, February 14, 1995 -- The Minister of Justice and Attorney General of Canada, Allan Rock, made good today on the federal government's commitment to strengthening Canada's system of gun control. The Minister introduced in the House of Commons a comprehensive package of legislative reforms that includes amendments to the Criminal Code and a new Firearms Act. The bill reflects the government's firearms control program announced on November 30, 1994.

The bill's amendments to the Criminal Code include stiff penalties for crimes committed with guns. The bill also creates a separate statute, the Firearms Act, that establishes a licensing system to possess and use firearms and a national registration system for all firearms. Failure to comply with the licensing and registration requirements would be an offence under the Criminal Code.

The legislative proposals include the following measures:

- A mandatory minimum sentence of four years in prison in addition to a lifetime prohibition against possession of a restricted or prohibited firearm upon conviction of any of ten specific violent offences with a firearm.

- New Criminal Code offences with stiff penalties for illegally importing and trafficking in firearms as well as other measures aimed at enhancing border control.

- Bans on the future importation and sale of .25 and .32 calibre handguns as well as on handguns with a barrel length of 105 mm (4.14 inches) or less.

- The creation of a national registration system for all firearms to be administered by the RCMP in cooperation with the provinces and territories.

The new registration system is the support structure for the government's firearms control package. The system will assist police in fighting the criminal misuse of firearms in a variety of ways:

- in enforcing prohibition orders;

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- by helping combat smuggling by monitoring the types and quantities of firearms coming into Canada;

- by helping increase compliance with safe-storage requirements; and

- by permitting police to trace stolen guns and guns used in crime.

The new registration system will cost approximately $85 million to set up and will be phased in over a seven-year period on a cost recovery basis. It will not impose an undue cost on gun owners. The system will be fully computerized and user-friendly. The Minister is committed to working with the provinces in implementing an efficient and easy way to use the system.

"I believe that there is broad public support for these measures," Minister Rock said. "This legislation will get tough with criminals who use firearms in crime and it will enhance public safety," he added.

While the bill reflects the Action Plan announced on November 30, 1994, there is a change. Individuals who now or will have a "grandfathered" firearm which falls into a specific prohibited category, will be able to buy from and sell to individuals with firearms in the same category.

In addition, this bill creates a new prohibited category consisting of .25 and .32 calibre handguns and handguns with a barrel length of 105 mm or less. Like all other owners of prohibited firearms, individuals who possessed these handguns on or before February 14, 1995 will be able to buy and sell only among themselves. Also, owners of these handguns will be able to use the handguns for the purpose for which they were originally obtained, whether target shooting or collecting. Such use will, of course, be subject to the policy announced on November 30, 1994, requiring all handgun owners to demonstrate every five years that their handguns continue to be so used. The Action Plan had contemplated a prohibition against any use or trade in those prohibited firearms.

In announcing the introduction of the bill, the Minister stressed that Canadians will have the opportunity to make their views known when the legislation is reviewed by the House of Commons Standing Committee on Justice and Legal Affairs. The Minister is particularly interested in having the Committee consider certain issues that have been brought to light in the public discussion since the announcement of the Action Plan on November 30, 1994:

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1. Should there be separate provision for firearms that may have special significance to families as relics or heirlooms, such as an opportunity for owners to leave such firearms to their children as part of their estate?

2. Are there handguns in the prohibited class (apart from the Walther .22/.32) that are used in recognized target shooting competitions and that should be exempted from the ban? In this regard, the Minister will ask the Committee to seek the advice of the International Shooting Union to determine the competitions that are governed by its rules; and

3. Is it sufficiently clear that historical re-enactments or heritage events using black powder reproduction firearms may continue, or are technical amendments required to achieve that result?

Special public telephone enquiries lines have been set up to respond to questions on the new firearms control program in the Communications and Consultation Branch of the Department of Justice. Tel: (613) 992-6000.

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(Version française disponible)

Department of Justice

News Release

FIREARMS CONTROL PROGRAM ANNOUNCED

OTTAWA, November 30, 1994 -- Minister of Justice and Attorney General of Canada, Allan Rock, announced today the government's firearms control program. This program is the result of lengthy cross-Canada consultations and intensive work involving, among others, Revenue Canada, the Solicitor General of Canada, the RCMP and Status of Women Canada.

Minister Rock told the House of Commons in a statement that the government intends to implement a comprehensive firearms control program by cracking down on the **criminal use of firearms**, by targeting firearms **smuggling** and by **banning** many firearms.

"Canadians do not want to live in a society where they feel they need to own a gun for protection. We value living in a safe and peaceful society, a society that shuns crime and violence," said Minister Rock. "This tough new gun control program will improve **public safety** and also send a strong message that the **criminal misuse of guns** will not be tolerated."

Essential to the implementation of firearms control is the creation of a **national registration system**.

CRIMINAL SANCTIONS

Criminal misuse of firearms will be addressed through a number of measures including the creation of new offences and penalties. Some of the offences include:

° **Mandatory minimum sentences of four years** in prison in addition to a **lifetime prohibition** against possession of a restricted weapon when committing any of ten specific violent offences with a firearm.

° The **ten offences** calling for the four year mandatory minimum will be:

- attempted murder
- manslaughter
- criminal negligence causing death
- robbery
- kidnapping
- hostage-taking
- sexual assault with a weapon

- aggravated sexual assault
- extortion
- discharge of a firearm with intent to cause harm.

° There will be new mandatory minimum jail sentences for possession of a stolen firearm and possession of a loaded, restricted weapon without a permit. This responds to police concerns and means that they will be able to bring suspects into the justice system to face meaningful sentences before a more serious crime has been committed.

° The use of imitation or **replica firearms** in the commission of an offence will draw a minimum mandatory sentence of one year in jail under s. 85 of the *Criminal Code*.

SMUGGLING FIREARMS

New *Criminal Code* offences with stiff penalties will be created for illegally importing and **trafficking firearms.**

° A new offence of possession of smuggled firearms, punishable by up to ten years' imprisonment will be created.

° As a major deterrent to organized crime, the legislation will add smuggling, trafficking and related conspiracy offences to "enterprise crime" offences in the *Criminal Code*. This means that vehicles, boats or airplanes used for in-Canada trafficking in firearms can be seized along with other assets and forfeited as proceeds of crime.

° Border control, which is the responsibility of the RCMP and Revenue Canada, will be enhanced through improved **enforcement** and **inspections** and through **permit** requirements for import, export and in-transit shipments of firearms in Canada.

° Organized criminals engaging in firearms smuggling have been targeted by the RCMP, Customs and other law enforcement agencies.

BANNED FIREARMS

Handguns

Handguns with no legitimate purpose will be banned. The future sale of a wide variety of makes and models of handguns now on the market in Canada will be prohibited (approximately 58% of these). Current registered owners may keep their firearms until they die but they may not transfer ownership of them.

A ban will be imposed on the future importation and sale of all .25 and .32 calibre handguns as well as on all handguns with a barrel length of 4.14 inches (105 mm) or less. In short:

- The number and types of handguns available for sale in Canada will be **severely curtailed.**

- Vastly fewer handguns will be in private hands in Canada.

- Over half of all the handguns now in private hands in Canada will not be permitted to be sold once legislation takes effect.

- For practical purposes, to keep or to acquire handguns, owners will have to satisfy the authorities that they have one of two valid reasons for owning a handgun - either as a collector, or for target shooting - and this would have to be justified every five years.

- Owners who are unable or unwilling to meet the exacting new requirements will have to forfeit their handguns.

Paramilitary and assault-type weapons

Effective January 1, 1995, 21 types (over 200 individual models) of military and paramilitary rifles will be banned. Almost 19,000 of these, including AK-47s, FN-FALs and variants, are currently registered in Canada as restricted weapons. Registered owners as of January 1, 1995 will be able to keep their firearms for life, but no sales or transfers may occur between such owners.

A number of recent model assault pistols, combat shotguns and assault rifles and carbines such as the AA Arms Model AP-9 and the Franchi SPAS-15 have been banned outright, and must be turned in to police by January 1, 1995. It is estimated that there are no more than 100 such weapons in private hands in Canada.

Once enabling legislation is passed there will be a ban on the sale and import of a number of other firearms, including the **Ruger Mini-14** and the AR-15 and its variants.

Crossbows will be defined as firearms and small, single-hand crossbows will be banned outright, effective immediately.

Replica and Imitation Firearms

The sale, import and manufacture of replica firearms will be banned.

A NEW REGISTRATION SYSTEM

Registration of all firearms is essential to enable Canada to control its borders, to attack the criminal misuse of firearms, and to help police in dealing with crimes ranging from domestic violence to robberies. A new computerized national registration system will be created for all firearms and firearms owners in Canada and will directly support these three goals.

This system, to be administered by the RCMP, will support domestic firearms registration, ensure rigorous controls over all imports and exports of firearms and ammunition, and assist in tracing the origins of firearms seized by the police. The registration system is being developed in cooperation with provincial governments and local police forces.

Once in place, registration will be simple, quick, cost-effective and user friendly. Mandatory registration of all firearms owners will begin January 1, 1996.

(For more detail refer to "A National Firearms Registration System Backgrounder" in the background information package.)

Ammunition

The registration system will also be used to control access to ammunition. In the interim, proper identification will have to be produced, and the legal purchase age will be raised from 16 to 18 years of age. Offences will be introduced to ensure compliance with these new measures.

LEGISLATION

A Bill to give legal force to the government's firearms control program will be tabled in the House of Commons upon the resumption of Parliament in February.

A series of fact sheets explaining the government's firearms control program in more detail are available by calling the Communications and Consultation Branch of the Department of Justice at the telephone number listed below. Calls can also be made and questions answered through the special public enquiries lines set up for this initiative: (613) 992-6000.

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Media Inquiries:

Communications and Consultation Branch
Department of Justice
(613) 957-4207 and 957-4211

(Version française disponible)

Minister of Justice and Attorney General of Canada
Ministre de la Justice et procureur général du Canada
Government Publications

News Release Communiqué

GOVERNMENT'S RESPONSE TO THE REPORT OF COMMISSION OF INQUIRY ON WAR CRIMINALS

OTTAWA, March 12, 1987 -- The Report of the Commission of Inquiry on War Criminals, chaired by Mr. Justice Jules Deschênes, was tabled today in the House of Commons by the Honourable Ray Hnatyshyn, Minister of Justice and Attorney General of Canada.

In a statement to the House, Mr. Hnatyshyn outlined the Government's response to the findings and recommendations of the Commission.

Mr. Hnatyshyn indicated that while the Commission found the problem of war criminals to be less serious than indicated by some, the government must be concerned, if even one individual guilty of war crimes has sought refuge from justice in Canada.

Mr. Hnatyshyn indicated that the government's guiding principle in continuing the investigation and prosecution of possible war crimes would be that: "The problem of war criminals should, wherever possible, be dealt with here in Canada and every case must be resolved in a manner consistent with Canadian standards of law and evidence."

In brief, Mr. Hnatyshyn said this "made in Canada" solution involves:

- the amendment of the Criminal Code to give Canadian courts jurisdiction to try war crimes or crimes against humanity in Canada, if the conduct in question would have amounted to a criminal offence in Canada;

- the conduct of necessary investigations within the existing framework of the Justice Department and the R.C.M.P. No additional organizational body would be created;

- the review on a case by case basis of recommendations that Eastern European evidence be sought with such evidence to be gathered in accordance with Canadian standards and only where there are specific, credible and serious allegations of war crimes;

- the tightening of the immigration screening process and interview procedures to ensure that Canadian citizenship and immigration to Canada are not available to those who have participated in war crimes. The Citizenship Act will be amended to make complicity in war crimes a bar to Canadian Citizenship;

- a reliance on the current law and practice with respect to extradition and deportation with a view to avoiding retroactive action.

Mr. Hnatyshyn concluded by saying that he believed that it is not appropriate to seek to delay a resolution of the war criminals problem nor to seek to export responsibility to other countries.

The Commission of Inquiry on War Criminals was established on February 7, 1985, and reported to the government on December 30, 1986.

Copies of the Findings and Recommendations of the Commission, taken directly from the Report, are attached, along with the Statement of the Minister of Justice in response to the recommendations.

Copies of the full report are available from the Canadian Government Publishing Centre for $39.95 at (613) 997-2560.

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(Version française disponible)

Minister of Justice and
Attorney General of Canada

Ministre de la Justice et
procureur géné al du Canada

HON. RAY HNATYSHYN

RESPONSE OF THE GOVERNMENT TO THE REPORT OF THE COMMISSION OF INQUIRY ON WAR CRIMINALS

MARCH 1987

INTRODUCTION

MR. SPEAKER, I WOULD LIKE TO ADDRESS AN ISSUE OF GREAT IMPORTANCE, THE REPORT OF THE COMMISSION OF INQUIRY ON WAR CRIMINALS.

AT THE OUTSET, I WOULD LIKE TO TAKE THIS OPPORTUNITY ON BEHALF OF THE GOVERNMENT AND ALL CANADIANS TO EXPRESS OUR SINCERE APPRECIATION FOR THE IMPORTANT CONTRIBUTION THAT HAS BEEN MADE BY THE COMMISSION. BECAUSE OF THE DEDICATION AND EFFORTS OF THE HONOURABLE MR. JUSTICE DESCHÊNES AND THOSE WHO ASSISTED HIM IN HIS WORK, THE RESOLUTION OF THE DIFFICULT PROBLEM OF WAR CRIMINALS HAS BEEN BROUGHT MUCH CLOSER.

THE PROBLEM OF WAR CRIMINALS HAS BEEN OF SERIOUS CONCERN TO CANADIANS, AND TO THE ENTIRE WORLD FROM THE TIME WHEN IT FIRST BECAME CLEAR DURING WORLD WAR II THAT CRIMES OF UNPRECEDENTED SCOPE HAD BEEN PERPETRATED. IN ORDER TO ENSURE THAT THOSE GUILTY OF WAR CRIMES AND CRIMES AGAINST HUMANITY WERE TRIED AND PUNISHED, THE NÜRNBERG WAR CRIMES TRIALS WERE HELD. AS A RESULT MANY MAJOR WAR CRIMINALS WERE TRIED, CONVICTED AND PROMPTLY PUNISHED.

IT SHOULD BE REMEMBERED THAT UNDER ITS WAR CRIMES ACT CANADA ALSO CONDUCTED WAR CRIMES TRIALS FROM 1946 TO 1948. ONE HUNDRED AND SEVENTY-ONE CASES OF CRIMES AGAINST MEMBERS OF THE CANADIAN ARMED FORCES WERE INVESTIGATED AND SEVEN INDIVIDUALS WERE FOUND GUILTY OF WAR CRIMES.

IN THE 1950'S, AS INDIVIDUALS AND NATIONS DECIDED TO PUT THE TRAUMA AND HORROR OF WORLD WAR II BEHIND THEM, THE ACTIVE PURSUIT OF WAR CRIMINALS BECAME MUCH LESS OF A PRIORITY IN MANY COUNTRIES.

STRONG PUBLIC ATTENTION DID NOT FOCUS ON THIS PROBLEM AGAIN UNTIL THE 1970'S WHEN SUGGESTIONS EMERGED THAT NOT ALL WAR CRIMINALS HAD BEEN IDENTIFIED AND CONVICTED BY EARLIER PROCESSES. THAT ALLEGED WAR CRIMINALS MIGHT HAVE FOUND REFUGE HERE BECAME CLEAR WITH THE ARREST AND EXTRADITION OF HELMUT RAUCA FROM CANADA TO WEST GERMANY.

REPORTS DURING THE EARLY 1980'S SUGGESTED THAT THE NUMBER OF WAR CRIMINALS IN CANADA WAS IN THE AREA OF 2,000 TO 3,000 AND COULD REACH AS HIGH AS 6,000. THERE WERE CLAIMS MADE THAT DOCTOR JOSEF MENGELE, NOTORIOUS FOR BRUTAL AND INHUMANE MEDICAL EXPERIMENTS, HAD COME OR ATTEMPTED TO COME TO CANADA. AS THESE ACCOUNTS PERSISTED, IT BECAME INCREASINGLY APPARENT THAT THE CANADIAN GOVERNMENT SHOULD TAKE ACTION TO RESOLVE OLD UNCERTAINTIES AND TO SEE THAT THE INTERESTS OF

JUSTICE WERE SERVED. HOWEVER, THE ABSENCE OF CLEAR INFORMATION ON THE SCOPE OF THE PROBLEM AND ANY CONSENSUS AMONG LEGAL AUTHORITIES ON APPROPRIATE REMEDIES WERE IMPEDIMENTS TO DECISIVE ACTION.

IT IS A SUBSTANTIAL ACCOMPLISHMENT OF THIS GOVERNMENT THAT, DESPITE THE DIFFICULTIES, IT HAS TAKEN THE REQUIRED ACTION TO ADDRESS THIS PROBLEM WHICH HAS CAST ITS SHADOW ON CANADA FOR FAR TOO LONG.

TO ENSURE THAT ANY WAR CRIMINALS WHO MIGHT BE FOUND IN CANADA WERE BROUGHT TO JUSTICE, THE PRECISE SCOPE OF THE PROBLEM HAD TO BE MEASURED, AND AN APPROPRIATE APPROACH TO ITS RESOLUTION DEVELOPED. ON FEBRUARY 7, 1985, THE COMMISSION OF INQUIRY ON WAR CRIMINALS, WITH THE HONOURABLE MR. JUSTICE JULES DESCHÊNES AS COMMISSIONER, WAS ESTABLISHED WITH A MANDATE TO ADDRESS THESE QUESTIONS.

THE REPORT OF THE COMMISSION OF INQUIRY WAS TRANSMITTED TO THE GOVERNMENT ON DECEMBER 30TH, 1986. IT IS MY PRIVILEGE NOW TO TABLE THAT PORTION OF THE REPORT WHICH WAS RECOMMENDED FOR PUBLICATION BY THE COMMISSION. THIS PART OF THE REPORT DISCUSSES GENERALLY THE SCOPE AND NATURE OF THE PROBLEM OF WAR CRIMINALS IN CANADA AND SETS OUT THE FINDINGS AND RECOMMENDATIONS OF THE COMMISSION. IT ALSO CONTAINS GENERAL OUTLINES OF THE COMMISSION'S TREATMENT OF 822 INDIVIDUAL CASES.

THERE IS AN ADDITIONAL PART TO THE REPORT IN WHICH THE COMMISSION DISCUSSES 29 CASES IN WHICH IT ORIGINALLY FELT THE SERIOUSNESS OF THE ALLEGATIONS AND THE POSSIBLE AVAILABILITY OF EVIDENCE MERITED SPECIAL ATTENTION. THE COMMISSION RECOMMENDED THAT THIS PART OF ITS REPORT, ENTITLED PART II (CONFIDENTIAL), NOT BE RELEASED. WE AGREE WITH THIS RECOMMENDATION.

BEFORE TURNING TO THE FINDINGS AND RECOMMENDATIONS OF THE COMMISSION, THERE IS ONE PRELIMINARY MATTER WHICH IT IS IMPORTANT TO NOTE. WHEN THE COMMISSION'S REPORT WAS SUBMITTED TO THE GOVERNMENT IT WAS APPARENT THAT THE LEVEL OF DETAIL SET OUT IN THE PORTION OF THE PROPOSED PUBLIC REPORT WHICH DEALS WITH INDIVIDUAL CASES MIGHT ALLOW THE IDENTIFICATION OF MANY OF THE INDIVIDUALS CONCERNED. BECAUSE THE COMMISSION FOUND THE ALLEGATIONS AGAINST MOST OF THE INDIVIDUALS TO BE UNFOUNDED AND IN OTHER CASES RECOMMENDED FURTHER INVESTIGATION, THE GOVERNMENT DECIDED CHANGES WERE NECESSARY TO PROTECT THE PRIVACY AND REPUTATIONS OF ALL THE INDIVIDUALS CONCERNED. THIS CONCERN WAS DISCUSSED WITH MR. JUSTICE DESCHÊNES. FOLLOWING THIS CONSULTATION, MANY SPECIFIC PLACE NAMES, DATES AND SOME DETAILS IN THIS PORTION OF THE REPORT WERE MADE MORE GENERAL IN ORDER TO PROTECT AGAINST THE IDENTIFICATION OF INDIVIDUALS. MR. JUSTICE

DESCHÊNES HAS EXPRESSED HIS AGREEMENT THAT THE CHANGES MADE IN NO WAY AFFECT THE SUBSTANCE OR INTEGRITY OF THE REPORT, AND HAS PROVIDED AN EXPLANATORY NOTE TO THIS EFFECT, WHICH HAS BEEN INCLUDED IN THE REPORT.

THE COMMISSION'S FINDINGS

MR. SPEAKER, I WOULD LIKE TO TAKE A MOMENT TO DISCUSS THE FINDINGS OF THE REPORT. I AM PLEASED TO SAY THAT THE REPORT REPRESENTS A SUBSTANTIAL CLEARING OF THE AIR WITH RESPECT TO WAR CRIMINALS. WE ARE NO LONGER CONFRONTED WITH AN UNDEFINED PROBLEM WITH NO SOLUTION IN SIGHT. RATHER, IT IS NOW APPARENT THAT THE PROBLEM OF WAR CRIMINALS IS NOT AS EXTENSIVE AS HAD BEEN FEARED. NEVERTHELESS, IT IS APPARENT THAT ACTION IS REQUIRED, AND THAT A RESOLUTION OF THIS PROBLEM CAN BE FOUND WITHIN OUR SYSTEM OF JUSTICE.

THE WORK OF THE COMMISSION OF INQUIRY HAS CLEARED AWAY MUCH OF THE MYSTERY AND SPECULATION WHICH HAS CHARACTERIZED PREVIOUS DISCUSSION OF WAR CRIMINALS IN CANADA. IT HAS PROVIDED A BASIS UPON WHICH THE GOVERNMENT CAN ACT TO CARRY OUT NECESSARY INVESTIGATIONS AND TO RESOLVE SPECIFIC LEGAL ISSUES.

WHILE THE COMMISSION'S WORK HAS IDENTIFIED A NUMBER OF INSTANCES IN WHICH INDIVIDUALS SUSPECTED OF WAR CRIMES ARE OR HAVE BEEN IN CANADA, IT APPEARS THAT THE SCOPE OF THIS PROBLEM HAS BEEN CONSIDERABLY EXAGGERATED BY SOME. THERE ARE AND HAVE BEEN FAR FEWER SUSPECTED WAR CRIMINALS IN CANADA THAN SUGGESTED. MANY PERSONS AGAINST WHOM SUSPICIONS WERE VOICED ARE NO LONGER LIVING. THERE IS NO EVIDENCE THAT DR. JOSEF MENGELE EVER ENTERED OR APPLIED TO ENTER CANADA. THE CHARGES OF WAR CRIMES AGAINST THE SO-CALLED GALICIA DIVISION, SAID TO HAVE COMMITTED ATROCITIES, WERE FOUND NOT TO BE SUBSTANTIATED. ALLEGATIONS AGAINST MANY, MANY INDIVIDUALS HAVE BEEN FOUND GROUNDLESS OR OTHERWISE DISMISSED.

WHILE POINTING OUT THAT THE HISTORY OF CANADA'S APPROACH TO THE QUESTION COULD HAVE BEEN MORE ACTIVE AND AGGRESSIVE, THE REPORT INDICATES THAT CANADIAN ACTIONS WITH RESPECT TO THE PURSUIT OF WAR CRIMINALS IN THE PERIOD FOLLOWING THE SECOND WORLD WAR WERE NOT SUBSTANTIALLY DIFFERENT FROM THOSE OF OTHER WESTERN COUNTRIES. THERE IS LITTLE DOUBT THAT THE PRACTICES OVER THE PAST 40 YEARS COULD HAVE BEEN MORE EFFECTIVE IN PREVENTING THE ENTRY OF SUSPECTED WAR CRIMINALS INTO CANADA AND THEIR ATTAINING CITIZENSHIP HERE. HOWEVER, IT IS ALSO CLEAR FROM THE REPORT THAT THERE WAS NO ACTION OR POLICY ON THE PART OF THE CANADIAN GOVERNMENT OR CANADIAN OFFICIALS TO AID OR ASSIST KNOWN OR SUSPECTED WAR CRIMINALS IN ENTERING INTO CANADA, NOR TO CONCEAL OR PROTECT THEIR PRESENCE IN ANY WAY.

OF APPROXIMATELY 880 INDIVIDUALS INVESTIGATED BY THE COMMISSION, THE LARGE MAJORITY OF CASES HAVE BEEN FOUND TO BE UNSUBSTANTIATED. THE COMMISSION RECOMMENDS THAT OVER 600 CASES BE CLOSED IMMEDIATELY. THE COMMISSION DID FIND THAT 21 PERSONS SUSPECTED OF POSSIBLE COMPLICITY IN WAR CRIMES WERE IN CANADA BUT LEFT FOR ANOTHER COUNTRY, AND 86 SUCH PERSONS DIED IN CANADA. 341 INDIVIDUALS ON THE SUSPECT LIST NEVER CAME TO CANADA. IN 154 CASES THE COMMISSION COULD FIND NO PRIMA FACIE EVIDENCE OF WAR CRIMES.

THE NUMBER OF INDIVIDUALS IN CANADA AGAINST WHOM THERE REMAIN OUTSTANDING ALLEGATIONS OF POSSIBLE INVOLVEMENT IN WAR CRIMES HAS, AS A CONSEQUENCE OF THE COMMISSION'S EFFORTS, DECLINED VERY SUBSTANTIALLY FROM THE PREVIOUSLY SUGGESTED "THOUSANDS" TO FAR SMALLER NUMBERS.

HOWEVER, IN THE TIME AVAILABLE TO HIM, MR. JUSTICE DESCHÊNES WAS NOT ABLE TO COMPLETE HIS INVESTIGATIONS IN EVERY CASE. CONSEQUENTLY, SOME CASES REMAIN OPEN. OF THESE CASES, ALMOST ALL REQUIRE FURTHER INVESTIGATION BEFORE ANY DECISION CONCERNING POSSIBLE ACTION MAY BE TAKEN. SOME OF THE CASES INVOLVE POSSIBLE FRAUD OR NON-DISCLOSURE OF AN INDIVIDUAL'S BACKGROUND AT THE TIME OF ENTRY INTO CANADA OR WHEN APPLYING FOR CITIZENSHIP. IN TURN, SOME OF THESE REVEAL NO EVIDENCE OF PERSONAL PARTICIPATION IN CRIMINAL ACTS DIRECTLY HARMFUL TO OTHERS.

THE COMMISSION'S RECOMMENDATIONS

IN ITS RECOMMENDATIONS, THE COMMISSION RECOGNIZES THAT THERE ARE DIFFICULTIES WITH THE CAPACITY OF CANADA'S CURRENT LAWS TO DEAL WITH WAR CRIMINALS. IN PARTICULAR, THE RECOMMENDATIONS OF THE COMMISSION INDICATE A NEED FOR FURTHER LEGISLATIVE AMENDMENT BEFORE PROCEEDING BEYOND THE INVESTIGATIVE PHASE. AMENDMENTS TO PRESENT LAW ARE SUGGESTED WITH RESPECT TO THREE POSSIBLE APPROACHES TO DEALING WITH WAR CRIMINALS. THESE ARE: 1) EXTRADITION; 2) CRIMINAL PROSECUTION; AND 3) DENATURALIZATION, OR REMOVAL OF CITIZENSHIP, WITH OR WITHOUT DEPORTATION. THE COMMISSION ALSO RECOMMENDED CHANGES TO IMMIGRATION AND CITIZENSHIP LAWS AND PROSPECTIVE CHANGES TO IMMIGRATION PRACTICES TO ENSURE THAT FUTURE ENTRY INTO CANADA BY WAR CRIMINALS IS PREVENTED. SPECIFICALLY, THE COMMISSION'S RECOMMENDATIONS ARE AS FOLLOWS.

WITH RESPECT TO EXTRADITION, THE COMMISSION SUGGESTS AN EXPANSION OF CANADA'S TRADITIONAL LAWS AND PRACTICES TO MAKE THE EXTRADITION FROM CANADA OF INDIVIDUALS ACCUSED OF WAR CRIMES EASIER TO ACCOMPLISH. THIS WOULD INVOLVE AMENDMENTS TO THE EXTRADITION ACT AND SPECIFIC BILATERIAL TREATIES TO

ALLOW SUSPECTED WAR CRIMINALS TO BE EXTRADITED TO OTHER COUNTRIES WILLING TO UNDERTAKE PROSECUTION.

THE COMMISSION'S RECOMMENDED APPROACH WITH RESPECT TO THE USE OF CANADA'S CRIMINAL LAW WOULD SEE A SPECIFIC AMENDMENT TO THE CRIMINAL CODE, TO ALLOW IT TO BE USED AS A VEHICLE FOR THE PROSECUTION IN CANADA OF WAR CRIMINALS.

TO PERMIT THIS, THE REPORT RECOMMENDS AMENDMENTS TO THE CRIMINAL CODE, TO DEFINE "WAR CRIMES" AND "CRIMES AGAINST HUMANITY". IT RECOMMENDS THAT CANADIAN COURTS SHOULD THEN BE GIVEN JURISDICTION TO TRY INDIVIDUALS ACCUSED OF "WAR CRIMES" AND "CRIMES AGAINST HUMANITY" EVEN IF THEIR CRIMES WERE COMMITTED OUTSIDE OF CANADA, IF THE ACTS IN QUESTION WOULD HAVE AMOUNTED TO CRIMES IF COMMITTED IN CANADA.

WITH RESPECT TO REVOCATION OF CITIZENSHIP (DENATURALIZATION) AND DEPORTATION, THE COMMISSION RECOMMENDS THAT DENATURALIZATION AND DEPORTATION PROCEDURES SHOULD BE STREAMLINED AND CONSOLIDATED, AT LEAST IN CASES OF SUSPECTED NAZI WAR CRIMINALS. IT ALSO RECOMMENDS THAT THE DENATURALIZATION PHASE SHOULD PROCEED FIRST AND THAT RESULTANT FINDINGS OF FACT SHOULD BE HELD CONCLUSIVE IN THE DEPORTATION PHASE OF PROCEEDINGS. IN ADDITION THE REPORT SUGGESTS THAT JUDICIAL APPEALS OF DECISIONS ON DENATURALIZATION AND DEPORTATION SHOULD BE DENIED OR RESTRICTED TO A SINGLE APPEAL.

THE REPORT INCLUDES OTHER RECOMMENDATIONS AND FINDINGS WITH RESPECT TO THE GROUNDS FOR DEPORTATION AND DENATURALIZATION AND THE LEGAL PRINCIPLES APPLICABLE THERETO, DIRECTED AT CLEARLY ESTABLISHING THAT WAR CRIMINALS SHOULD BE DENIED ENTRY INTO CANADA OR CITIZENSHIP IF THEIR STATUS WAS OBTAINED ON THE BASIS OF FRAUD OR BY WITHHOLDING EVIDENCE. THESE CHANGES WOULD BE PROSPECTIVE AS WELL AS AFFECTING THOSE WHOSE ALLEGED OFFENSES OCCURRED DURING WORLD WAR II.

WITH A VIEW TO THE STRENGTHENING OF THE IMMIGRATION AND CITIZENSHIP PROCESSES TO ENSURE THAT FUTURE ENTRY OF WAR CRIMINALS INTO CANADA IS MADE AS DIFFICULT AS POSSIBLE THE COMMISSION MADE A NUMBER OF OTHER SPECIFIC RECOMMENDATIONS.

IN ORDER TO STRENGTHEN THE IMMIGRATION ACT AND IMMIGRATION PROCEDURES THE COMMISSION RECOMMENDED THAT:

(A) THE IMMIGRATION SCREENING PROCESS AND INTERVIEW PROCEDURE SHOULD BE TIGHTENED SO THAT A MINIMUM SET OF QUESTIONS ON MILITARY, POLITICAL AND OTHER PAST ACTIVITIES OF APPLICANTS ARE ASKED, REDUCED TO WRITING AND SIGNED;

(B) IMMIGRATION APPLICATION FORMS SHOULD BE KEPT UNTIL THE APPLICANT IS NO LONGER ALIVE;

(C) EXPRESS EXCLUSIONS SHOULD BE MADE IN THE CONVENTION RELATING TO THE STATUS OF REFUGEES AND THE IMMIGRATION ACT TO MAKE THEM EXPRESSLY INAPPLICABLE TO WAR CRIMINALS;

(D) SECTION 127 OF THE IMMIGRATION ACT WHOSE PURPOSE IS TO PROVIDE PROTECTION FOR INDIVIDUALS WITH AN ESTABLISHED CANADIAN DOMICILE SHOULD BE AMENDED TO ENSURE THAT ITS GUARANTEE EXPRESSLY DOES NOT APPLY TO THOSE INVOLVED IN WAR CRIMES;

(E) TO ALLOW INDIVIDUALS TO BE DEPORTED TO JURISDICTIONS WHERE THEY WILL BE SUBJECT TO JUDICIAL PROCESS, THEIR CURRENT RIGHT TO CHOOSE WHERE THEY WILL GO ON BEING DEPORTED OUGHT TO BE LIMITED BY EXPRESSLY AMENDING THE IMMIGRATION ACT.

WITH RESPECT TO THE CITIZENSHIP ACT THE COMMISSION RECOMMENDED:

(A) THAT THE CITIZENSHIP ACT SHOULD BE AMENDED TO MAKE IT A BAR TO OBTAINING CITIZENSHIP TO HAVE BEEN INVOLVED IN WAR CRIMES;

(B) THAT THE CITIZENSHIP ACT SHOULD BE AMENDED TO MAKE PARTICIPATION IN WAR CRIMES A SPECIFIC GROUND FOR REVOCATION OF CITIZENSHIP;

(C) THAT SECTION 9 OF THE CITIZENSHIP ACT WHICH PROVIDES FOR REMOVAL OF CITIZENSHIP BY ORDER BECAUSE OF FALSE REPRESENTATION, FRAUD OR KNOWINGLY CONCEALING MATERIAL CIRCUMSTANCES SHOULD BE AMENDED TO MAKE IT EXPRESSLY APPLICABLE TO SITUATIONS ARISING UNDER FORMER LAWS ON CITIZENSHIP AND IMMIGRATION, IN ORDER TO ENSURE THAT IT APPLIES TO PAST MISREPRESENTATIONS OR OFFENSES OF THIS NATURE.

THE COMMISSION ALSO CONSIDERED CERTAIN EVIDENTIARY PROBLEMS WHICH PRESENT THEMSELVES. IT IS APPARENT THAT IN CONDUCTING FURTHER INVESTIGATIONS SERIOUS EVIDENTIARY DIFFICULTIES WOULD BE ENCOUNTERED. THE PASSAGE OF FORTY YEARS, AND THE NATIONAL, POLITICAL AND LINGUISTIC DIFFERENCES THAT MUST BE ADDRESSED IN ENDEAVORING TO COLLECT THE NECESSARY EVIDENCE ARE FORMIDABLE. IN QUITE A NUMBER OF THE REMAINING CASES, THE PURSUIT OF INVESTIGATIONS MUST INVOLVE AT LEAST ONE EASTERN BLOC COUNTRY.

THE COMMISSION CONCLUDED THAT EASTERN BLOC EVIDENCE SHOULD BE SOUGHT, BUT ONLY UNDER SPECIFIC CONDITIONS. THE COMMISSION RECOMMENDED THAT CANADA SHOULD SEEK EVIDENCE IN FOREIGN COUNTRIES, IN SITUATIONS WHERE THERE ARE ALREADY SERIOUS GROUNDS TO BELIEVE THAT AN INDIVIDUAL HAS COMMITTED WAR CRIMES, AND PROVIDED THAT THE COUNTRY AGREES TO THE SIX SPECIFIC CONDITIONS WHICH THE COMISSION RECOMMENDS IN ORDER TO ENSURE THAT CANADIAN STANDARDS OF EVIDENCE AND JUSTICE ARE MET.

FINALLY, THE REPORT RECOMMENDS THAT THE LEGAL CHANGES RECOMMENDED BY THE COMMISSION AND THE INVESTIGATION OF INDIVIDUAL CASES REQUIRED, SHOULD BE CARRIED OUT EITHER BY THE COMMISSION ITSELF OR BY THE GOVERNMENT UTILIZING RESOURCES WITHIN THE DEPARTMENT OF JUSTICE AND THE ROYAL CANADIAN MOUNTED POLICE. THE COMMISSION DID NOT RECOMMEND AN ORGANIZATION SIMILAR TO THE UNITED STATES OFFICE OF SPECIAL INVESTIGATIONS.

THE GOVERNMENT'S INITIAL RESPONSE

SINCE RECEIVING THE REPORT, THE GOVERNMENT HAS REFLECTED CAREFULLY ON THE NATURE OF THE ISSUES WHICH PROMPTED THIS INQUIRY AND THE NEED FOR THE GOVERNMENT TO ADDRESS THE PROBLEM OF WAR CRIMINALS.

ALTHOUGH THE COMMISSION HAS FOUND THAT THE NUMBER OF WAR CRIMINALS IN CANADA HAS BEEN GREATLY EXAGGERATED, IT IS CLEAR THAT CANADIANS ARE NOT SATISFIED WITH THE NOTION THAT INDIVIDUALS GUILTY OF WAR CRIMES DURING THE COURSE OF THE SECOND WORLD WAR SHOULD FIND, IN CANADA, A SAFE HAVEN FROM THE PROCESSES OF JUSTICE. THE GOVERNMENT MUST BE CONCERNED IF EVEN ONE INDIVIDUAL GUILTY OF WAR CRIMES HAS FOUND A REFUGE FROM JUSTICE HERE. IT HAS LONG BEEN A PRINCIPLE OF OUR LAW THAT INDIVIDUALS GUILTY OF SERIOUS CRIME MUST BE SOUGHT OUT AND PUNISHED WITHOUT REGARD TO ANY STATUTE OF LIMITATIONS.

AT THE SAME TIME, THE GOVERNMENT REALIZES THAT THE PRESERVATION OF INDIVIDUAL RIGHTS IS A FUNDAMENTAL COMPONENT OF THE ADMINISTRATION OF JUSTICE. IT IS CLEAR THAT CANADIANS VALUE HIGHLY THE LEGAL RIGHTS GUARANTEED IN THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS AND THE OTHER PROTECTIONS OF OUR SYSTEM OF JUSTICE.

THE GOVERNMENT HAS THEREFORE APPROACHED ITS INITIAL ASSESSMENT OF THE RECOMMENDATIONS OF THIS COMMISSION RECOGNIZING THE NEED TO DEVELOP A RESPONSE APPROPRIATE TO OUR OWN SOCIETY IN THE CONTEXT OF OUR OWN SYSTEM OF JUSTICE. THE GUIDING PRINCIPLE IS SIMPLY THIS: THE PROBLEM OF WAR CRIMINALS SHOULD, WHEREVER POSSIBLE, BE DEALT WITH HERE IN

CANADA AND EVERY CASE MUST BE RESOLVED IN A MANNER CONSISTENT WITH CANADIAN STANDARDS OF LAW AND EVIDENCE.

WITHIN THIS FRAMEWORK, IT IS CLEAR THAT AN UNEQUIVOCAL AFFIRMATION OF CANADA'S COMMITMENT NOT TO BE A HAVEN FOR THOSE WHO WOULD SEEK TO AVOID PUNISHMENT FOR CRIMES COMMITTED IN TIME OF WAR IS NECESSARY. THE GOVERNMENT IS, THEREFORE, PREPARED TO AMEND THE CRIMINAL CODE TO GIVE CANADIAN COURTS JURISDICTION TO TRY IN CANADA, WAR CRIMES, OR CRIMES AGAINST HUMANITY, WHERE THE CONDUCT IN QUESTION WOULD AMOUNT TO A CRIMINAL OFFENCE IN CANADA. SUCH PROCEEDINGS, MINDFUL OF THE NEED TO PRESERVE THE FUNDAMENTAL RIGHTS AND FREEDOMS OF PERSONS IN CANADA, WOULD BE UNDERTAKEN ACCORDING TO CANADIAN RULES OF EVIDENCE AND IN ACCORDANCE WITH THE OVERRIDING PRINCIPLES ESTABLISHED BY OUR OWN CANADIAN CHARTER OF RIGHTS AND FREEDOMS.

SUCH JURISDICTION WILL OF COURSE ALLOW THE TRIAL WITHIN CANADA OF INDIVIDUALS ACCUSED OF WAR CRIMES IN MODERN CONFLICTS AND WILL NOT BE RESTRICTED TO ADDRESSING PAST CRIMES. IT WILL ALSO BE NECESSARY TO DEFINE WHAT WAR CRIMES WILL BE SUBJECT TO CRIMINAL SANCTIONS. TO ENSURE THAT THE REQUIRED AMENDMENT EFFECTIVELY ADDRESSES PAST AND FUTURE WAR CRIMES, CAREFUL ATTENTION IS BEING DIRECTED TO THE DEVELOPMENT OF THE PRECISE STANDARDS AND DEFINITIONS TO BE UTILIZED IN THE PROPOSED CRIMINAL CODE PROVISIONS.

MR. JUSTICE DESCHÊNES POINTED OUT THAT MUCH MORE REMAINS TO BE DONE IN COMPLETING THE RECOMMENDED INVESTIGATIONS. HE FELT, HOWEVER, THAT A DETERMINED EFFORT COULD ACHIEVE THE NECESSARY RESULTS WITHIN THE FRAMEWORK OF EXISTING CANADIAN INSTITUTIONS, SPECIFICALLY THE R.C.M.P. AND THE JUSTICE DEPARTMENT. HE POINTED OUT THAT SUFFICIENT RESOURCES WOULD BE REQUIRED BY THESE INSTITUTIONS TO PURSUE THE INVESTIGATIVE PROCESS AND TO TAKE THE NECESSARY ACTION WARRANTED BY THE AVAILABLE EVIDENCE. AS ALREADY NOTED, HE RECOMMENDED AGAINST THE CREATION OF AN ORGANIZATION SIMILAR TO THE OFFICE OF SPECIAL INVESTIGATIONS IN WASHINGTON. WITH ALL OF THIS, THE GOVERNMENT AGREES.

IF CANADA IS TO SERIOUSLY CONTEMPLATE THE POSSIBILITY OF BRINGING CRIMINAL PROCEEDINGS IN CANADA CONCERNING EVENTS WHICH HAPPENED IN EUROPE, IT IS CLEAR THAT EVIDENCE WILL HAVE TO BE GATHERED WHEREVER IT MAY BE FOUND. THAT IS NOTHING NEW OF COURSE. TRADITIONALLY CANADIAN COURTS HAVE WHERE APPROPRIATE SOUGHT AND UTILIZED THE CAPACITY TO SEEK EVIDENCE IN FOREIGN COUNTRIES BY WAY OF COMMISSION. AS WELL CANADIAN POLICE HAVE ON MANY OCCASIONS CARRIED THEIR INVESTIGATIONS INTO FOREIGN LANDS WITH THE AID OF LOCAL AUTHORITIES. FOR EXAMPLE, SIGNIFICANT AND RELIABLE EVIDENCE WAS OBTAINED IN SEVERAL COUNTRIES, INCLUDING THE SOVIET UNION, IN THE

PROCEEDINGS LEADING TO THE EXTRADITION OF HELMUT RAUCA TO WEST GERMANY FOR WAR CRIMES.

THE INDIVIDUAL CASES IN WHICH MR. JUSTICE DESCHÊNES HAS RECOMMENDED THAT CONSIDERATION BE GIVEN TO SEEKING EASTERN EUROPEAN EVIDENCE WILL BE CAREFULLY REVIEWED ON A CASE BY CASE BASIS. ANY GATHERING OF EVIDENCE ABROAD WILL BE RESTRICTED TO THOSE CASES WHERE IN THE OPINION OF CANADIAN AUTHORITIES THERE ARE SPECIFIC, CREDIBLE AND SERIOUS ALLEGATIONS OF WAR CRIMES REQUIRING FURTHER INVESTIGATION.

IN SUCH CASES, MR. JUSTICE DESCHÊNES RECOMMENDED THAT SIX CONDITIONS BE OBSERVED. THESE WERE: (I) THE PROTECTION OF REPUTATIONS THROUGH CONFIDENTIALITY; (II) THE USE OF INDEPENDENT INTERPRETERS; (III) ACCESS TO ORIGINAL DOCUMENTS WHERE RELEVANT; (IV) ACCESS TO WITNESSES' PREVIOUS STATEMENTS; (V) FREEDOM OF EXAMINATION OF WITNESSES IN AGREEMENT WITH CANADIAN RULES OF EVIDENCE; AND (VI) THE VIDEOTAPING OF SUCH EXAMINATION.

THE GOVERNMENT BELIEVES THAT OBTAINING EVIDENCE IN ACCORDANCE WITH CANADIAN PROCEDURES AND WITH THE ADDITIONAL SAFEGUARDS OF THE SIX SPECIAL CONDITIONS RECOMMENDED BY MR. JUSTICE DESCHÊNES, FOR USE IN CANADIAN COURTS UNDER THE SCRUTINY OF CANADIAN JUDGES, IN ACCORDANCE WITH CANADIAN RULES RELATING TO THE ADMISSIBILITY AND PROBITY OF EVIDENCE, SHOULD GUARANTEE FAIRNESS AND JUSTICE TO ALL CONCERNED.

THE NEED TO TIGHTEN UP CANADA'S PRACTICES WITH RESPECT TO THE ENTRY INTO CANADA AND THE PROCESSES OF OBTAINING CANADIAN CITIZENSHIP TO ENSURE THAT CANADA WILL NOT BE THOUGHT OF AS A PLACE OF REFUGE FOR INDIVIDUALS WHO HAVE PARTICIPATED IN WAR CRIMES OR CRIMES AGAINST HUMANITY IS ALSO CLEAR. THE GOVERNMENT WILL PROCEED WITH THE MEASURES RECOMMENDED BY THE DESCHÊNES COMMISSION TO ENSURE THAT IN THE FUTURE IMMIGRATION INTO CANADA AND CANADIAN CITIZENSHIP ARE NOT AVAILABLE TO THOSE WHO HAVE PARTICIPATED IN WAR CRIMES IN OTHER COUNTRIES. THE IMMIGRATION SCREENING PROCESS AND INTERVIEW PROCEDURE WILL BE TIGHTENED UP AS RECOMMENDED. OTHER PROTECTIONS OF THE IMMIGRATION ACT AND THE CONVENTION RELATING TO THE STATUS OF REFUGEES WILL BE MADE EXPRESSLY INAPPLICABLE TO WAR CRIMINALS.

IN FUTURE, CANADIAN CITIZENSHIP WILL BE DENIED TO THOSE WHO HAVE PARTICIPATED IN WAR CRIMES. THIS WILL BE DONE BY AMENDING THE CITIZENSHIP ACT TO MAKE COMPLICITY IN WAR CRIMES AS DEFINED IN THE AMENDED CRIMINAL CODE A BAR TO CANADIAN CITIZENSHIP.

WITH RESPECT TO THOSE WHO ALREADY HAVE BECOME CANADIAN CITIZENS, THE GOVERNMENT DOES NOT WISH TO CHANGE THE LAW RETROACTIVELY. HENCE IT WILL PROCEED UNDER EXISTING LAWS AND PRACTICES TO ADDRESS THE PROBLEM OF INDIVIDUALS WHOSE CITIZENSHIP HAS BEEN OBTAINED THROUGH DEMONSTRABLE FRAUD.

CERTAIN OF THE COMMISSION'S RECOMMENDATIONS SUGGESTED CHANGES TO CANADA'S EXTRADITION LAWS TO INCREASE THE EXTENT TO WHICH EXTRADITION WOULD BE AVAILABLE TO REMOVE THOSE SUSPECTED OF WAR CRIMES FROM THIS COUNTRY. THE GOVERNMENT'S CURRENT EXTRADITION POLICIES REPRESENT A CAREFULLY DEVELOPED BALANCE OF THE CONSIDERATIONS WHICH MUST APPLY BEFORE CANADIAN RESIDENTS ARE SENT OUTSIDE CANADA FOR TRIAL ELSEWHERE. BECAUSE WE SEEK SOLUTIONS CONSISTENT WITH THE GOVERNMENT'S GOAL OF ENSURING THAT THIS PROBLEM IS TO THE MAXIMUM POSSIBLE EXTENT ADDRESSED HERE IN CANADA, NO CHANGE IN CURRENT LAW OR PRACTICE WITH RESPECT TO EXTRADITION WILL BE MADE TO SPECIFICALLY ADDRESS THE SITUATION OF WAR CRIMINALS. THAT IS NOT TO SAY THAT EXTRADITION WILL NOT BE CARRIED OUT IN ANY CIRCUMSTANCES. IT IS INTENDED TO, AS IN THE PAST, CONSIDER EXTRADITION REQUESTS IN A MANNER CONSISTENT WITH EXISTING LAW AND TRADITIONAL ARRANGEMENTS AND PRACTICE.

THE COMMISSION ALSO MAKES A NUMBER OF RECOMMENDATIONS SUGGESTING THE STREAMLINING AND CONSOLIDATION OF CANADA'S LEGAL PROCESSES WITH RESPECT TO THE REVOCATION OF CITIZENSHIP AND DEPORTATION. AS RECOGNIZED BY THE COMMISSION, THE PROPOSED CHANGES RAISE DIFFICULT QUESTIONS WHICH MUST BE CAREFULLY REVIEWED AND ASSESSED. IT IS NOT PROPOSED TO MAKE THESE CHANGES. THE GOVERNMENT BELIEVES THAT BY APPLYING CURRENT LAW AND PRACTICE TOGETHER WITH THE OTHER CHANGES ALREADY PROPOSED, THE UNDERLYING PROBLEMS WILL BE EFFECTIVELY ADDRESSED.

CONCLUSION

MR. SPEAKER, CANADIANS EXPECT THEIR GOVERNMENT TO DEMONSTRATE LEADERSHIP IN ADDRESSING THIS IMPORTANT QUESTION. CANADIANS ALSO EXPECT THAT NO MATTER HOW DIFFICULT THE PROBLEM, THE FUNDAMENTAL PRINCIPLES OF FAIRNESS AND EQUITY MUST APPLY. IT IS NOT APPROPRIATE TO SEEK TO DELAY ITS RESOLUTION NOR TO SEEK TO EXPORT OUR RESPONSIBILITY TO OTHER COUNTRIES.

I BELIEVE THAT THIS GOVERNMENT'S COMMITMENT, WHICH I HAVE OUTLINED TODAY, WILL BE EFFECTIVE, FAIR AND IN KEEPING WITH THE BEST TRADITION OF CANADIAN JUSTICE.

COMMISSION OF INQUIRY
ON WAR CRIMINALS

FINDINGS AND RECOMMENDATIONS

30 December 1986

FINDINGS AND RECOMMENDATIONS

Definition

For purposes of this report, the Commission defines "war criminals" as follows:

All persons, whatever their past and present nationality, currently resident in Canada and allegedly responsible for crimes against peace, war crimes or crimes against humanity related to the activities of Nazi Germany and committed between 1 September 1939 and 9 May 1945, both dates inclusive.

Findings and Recommendations

The Commission's FINDINGS and RECOMMENDATIONS are so closely intertwined that the Commission has not felt it desirable to separate them into two categories. **Recommendations bearing on amendments to the law are however stated in bold characters.** Each number in brackets at the end of a paragraph shows the corresponding page in the body of the report.

1- Shortly after World War II, trials were held in Europe for crimes committed against members of the Canadian Armed Forces: four trials involving seven accused were held by the Canadian Forces; at least six other trials involving 28 accused were held by the British Forces on behalf of Canada. (p. 33)

2- In 1948 a stop was put to war crimes trials as a result of a secret suggestion made by the United Kingdom to seven "Dominions", to which Canada responded that it had "no comment to make". (p. 33)

3- The matter of war crimes officially lay dormant in Canada for a third of a century when it was reactivated mainly at the initiative of then Solicitor General, Honourable Robert P. Kaplan, P.C. (p. 33)

4- Canadian policy on war crimes during that long period was not worse than that of several Western countries which displayed an equal lack of interest. (p. 33)

5- In order not to thwart lawful investigations by commissions of inquiry or the RCMP or investigative bodies specified in the regulations pursuant to ss. 8(2)(e) of the *Privacy Act* (1980-81-82-83, S.C. c. 111, Schedule II):

a) the mention of s. 19 of the *Old Age Security Act* (1970 R.S.C., c. 0-6) should be deleted from Schedule II to the *Access to Information Act* (1980-81-82-83 S.C. c. 111, Schedule I);

b) s. 19 of the *Old Age Security Act* should be amended by adding to the exceptions listed in ss. 19(2)(a): commissions of inquiry, the RCMP and the above-mentioned investigative bodies;

c) ss. 19(2) of the *Old Age Security Act* should be further amended in order to make compulsory, rather than discretionary, the disclosure of information requested in the discharge of their duties by the bodies enumerated in this recommendation. (p. 55)

6- On the basis of the weight of the available evidence, it is established beyond a reasonable doubt that Dr. Joseph (Josef) Mengele has never entered Canada. (p. 76)

7- Apart from being an alias for Dr. Joseph (Josef) Mengele, the name of Josef Menke was also that of an actual SS Major, who, however, never came to Canada. (p. 77)

8- Dr. Joseph (Josef) Mengele did not apply in Buenos Aires in 1962 for a visa to enter Canada, either under his own name or under any of his several known aliases. (p. 82)

Caveat: recommendations 9 through 16, dealing with extradition, must be read against the backdrop of the statutory discretion of the Minister of Justice, which the Commission shall not discuss.

9- Extradition of a war criminal to the Federal Republic of Germany should, if requested, be favourably considered, once prima facie evidence has been brought of the suspect's commission of the alleged crime. (p. 91)

10- Under the 1967 *Extradition Agreement* between Canada and Israel as it now stands, no request for extradition based on Nazi war crimes can be entertained. (p. 92)

11- The 1967 extradition agreement between Canada and Israel should however be amended:

a) To abrogate the restriction, introduced into art. 21 in 1969, as to the date of the offence or the conviction for which extradition is sought; and

b) To allow for executive discretion by the requested state, following the model in art. III of the 1962 U.S.A.—Israel

Extradition treaty, when extraterritorial jurisdiction is asserted by the requesting state. (p. 96)

12- Requests for extradition of war criminals by other countries having a treaty with Canada should be favourably considered, when the usual conditions provided by law are met. (p. 97)

13- Requests for extradition of war criminals by countries having no treaty with Canada cannot be entertained either under the 1942 *St. James's Declaration*, the 1943 *Moscow Declaration*, the 1945 *London Agreement*, the 1946 and 1947 relevant *Resolutions* of the United Nations General Assembly or the 1948 *Convention on the Prevention and Punishment of the Crime of Genocide*. (p. 102)

14- Even in the absence of a bilateral treaty, requests for extradition of war criminals from Canada may be entertained under the 1949 *Geneva Conventions* relative to the treatment of prisoners of war and relative to the protection of civilian persons in time of war, provided the requesting state be a party to the relevant convention (as are Poland and the USSR) and the charge constitute both one of the "grave breaches" described in such convention and a war crime. (p. 105)

15- **Section 36 of the *Extradition Act* (1970 R.S.C. c. E-21) should be amended in order to apply to crimes — limited to war crimes — committed before the Proclamation of Part II of the Act (this principle is already enshrined in s. 12 of Part I of the Act).** (p. 108)

16- War crimes do not partake of the nature of "offences of a political character" and are not, as such, placed out of the reach of the extradition process. (p. 111)

17-, 18- and 19-

No prosecution for Nazi war crimes can be successfully launched under the *Criminal Code* or under the *War Crimes Act* (1946, 10 George VI, c. 73) or under the *Geneva Conventions Act* (1970 R.S.C., c. C-3) as the Code and each Act now stand. (pp. 116, 123 and 126)

20- Neither conventional international law nor customary international law *stricto sensu* can support the prosecution of war criminals in Canada. (p. 132)

21- Prosecution of war criminals can however be launched on the basis of customary international law *lato sensu* inasmuch as war crimes are violations of the general principles of law recognized by the community of nations, which art. 11 (g) of the *Canadian Charter of Rights and Freedoms* has enshrined in the Constitution of Canada. (p. 132)

22- By virtue of art. 11 (g) of the *Canadian Charter of Rights and Freedoms*, Parliament can pass enabling legislation, even of a retroactive character, to permit the prosecution and punishment of war criminals. (p. 148)

23- Should prosecutions be launched against war criminals, a delay of some 45 years will have elapsed between the alleged crimes and the laying of the charges. It shall belong to the executive and, eventually, to the judiciary to examine the effect, if any, of this delay on the prosecutions. (p. 150)

24- Bill C-215: *an Act respecting war criminals in Canada*, introduced in 1978 by the Honourable Robert P. Kaplan, would not have achieved the result desired by its mover, especially because of the lack of retroactivity of the *Geneva Conventions*. (p. 156)

25- In view of its essential features, the *War Crimes Act* cannot be conveniently amended in order to deal with war criminals in Canada. (p. 157)

26- The contention that the *Geneva Conventions Act* could be amended in order to deal with war criminals in Canada is not tenable. (p. 157)

27- The *Criminal Code* should be used as the vehicle for the prosecution of war criminals in Canada. (p. 163).

28- **Section 6 of the *Criminal Code* should be amended by adding thereto the following subsections:**

"(1.9) For the purposes of this section, 'war crime' and 'crime against humanity' mean respectively:

a) War crime: a violation, committed during any past or future war, of the laws or customs of war as illustrated in paragraph 6 (b) of the *Charter* of the International Military Tribunal which sat in Nürnberg, and irrespective of the participation or not of Canada in that war;

b) Crime against humanity: an offence committed in time either of peace or of a past or future war, namely murder, extermination, enslavement, deportation or other inhumane act committed against any civilian population or persecution on political, racial or religious grounds whether or not in violation of the domestic law of the country where perpetrated, as illustrated, but without limitation in time or space, in paragraph 6 (c) of the *Charter* of the International Military Tribunal which sat in Nürnberg.

(1.10) Notwithstanding anything in this Act or any other Act,

a) where a person has committed outside Canada, at any time before or after the coming into force of this subsection, an act or

omission constituting a war crime or a crime against humanity, and

b) where the act or omission if committed in Canada would have constituted an offence under Canadian law,

that person shall be deemed to have committed that act or omission in Canada if

c) the person who has committed the act or omission or a victim of the act or omission was, at the time of the act or omission,
   (i) a Canadian citizen, or
   (ii) a person employed by Canada in a military or civilian capacity; or

later became a Canadian citizen; or

d) the person who has committed the act or omission is, after the act or omission has been committed, present in Canada.

(1.11) No proceedings shall be instituted under s.s. 1.9 or 1.10 except by the Attorney General of Canada or counsel instructed by him for the purpose. (p. 167)

29- Without eliminating the final role of the Governor-in-Council, the procedures leading to revocation of citizenship (denaturalization) and to deportation—at least in cases of suspected Nazi war criminals—should be streamlined and consolidated; (p. 173)

30- The deportation hearing should be elevated to the level of the judicial process, as in denaturalization; the two hearings should then be joined before the same authority, with two provisoes:

a) that the denaturalization phase should proceed first and be decided before the deportation phase is dealt with;

b) that the findings of facts in the first phase should be held as conclusive with respect to the second phase. (p. 173)

31- Judicial appeals should be denied or, at most, a single appeal should be provided for against denaturalization and deportation orders together. (p. 174)

32- In the matter of denaturalization, the substance of the rights of the Crown and the rights and liabilities of the citizen should be governed by the Act under which they accrued, even if the Act was repealed in the meantime; the procedure should be governed by the Act in force when the legal proceedings are commenced. (p. 177)

33- The grounds for revocation of citizenship are, in most cases, those enumerated in the 1946 *Canadian Citizenship Act*: false representations, fraud or concealment of material circumstances. (p. 184)

34- Those grounds should be applied both to the citizenship process and to the earlier immigration process. (p. 184)

35- Those grounds should be tested against the relevant statutes, Orders-in-Council, Cabinet Directives, Immigration, Security and Police regulations. (p. 185)

36- Proceedings in denaturalization are civil in nature; the burden of proof lies on the government. (p. 188)

37- In their assessment of the evidence, the courts should not be satisfied with less, but should not look for more than a probability of a high degree. (p. 188)

38- With respect to both immigration and citizenship, the applicant is under no other duty than to answer truthfully the questions put to him by the statutory authority; in so doing, however, the applicant ought to acknowledge a duty of candour implied in his obligation not to conceal circumstances material to his application, even absent any relevant questions. (p. 196)

39- Applications for citizenship are available from the earliest times; they are not likely, however, to yield useful results for the purpose of unveiling war criminals and leading to the revocation of their citizenship. (p. 199)

40- Applications for immigration and connected documents have been destroyed in large numbers over the years, consistently with retention and removal policies in force within Canadian government departments and agencies, more particularly Immigration, External Affairs, RCMP and CSIS, so that evidence for possible revocation of citizenship or deportation has become largely unavailable. (p. 207)

41- Recourse to ships' manifests, which have been microfilmed up to 1953, would be of little use, if any, in view of the absence thereon of questions relevant to the issue. (p. 208)

42- The destruction of a substantial number of immigration files in 1982-1983 should not be considered as a culpable act or as a blunder, but has occurred in the normal course of the application of a routine policy duly authorized within the federal administration. In any event, if a blunder there was, it arose out of the failure of the higher authorities properly to instruct of an appropriate exception the employees entrusted with the duty of carrying out the retention and disposal policy in their department. (p. 214)

43- The existence of a presumption of fact that a former immigrant, if a war criminal, must have lied for purposes either of immigration or of citizenship, cannot be taken generally for granted, in light of the

conflicting evidence before the Commission. It must be left to the courts to decide whether, in any given case, such a presumption has been established with a probability of a high degree. (p. 224)

44- In order to prevent the granting of citizenship to war criminals or, as the case may be, to ease the revocation of citizenship of war criminals, the *Citizenship Act* (23-24-25 El. II, c. 108) should be amended

a) by adding to ss. 5.(1) the following paragraph (f):

"(f) has not committed or been involved in or associated with a war crime or a crime against humanity, as those crimes are defined in ss. 6.(1.9) of the *Criminal Code*.";

b) by adding after the word "person", in the 7th line of ss. 5.(4) the following:

"except a person barred under paragraph 5.(1)(f)";

c) by adding after the word "circumstances", in the 8th line of ss. 9.(1), the following:

"or in spite of having committed or been involved in or associated with a war crime or a crime against humanity, as those crimes are defined in ss. 6(1.9) of the *Criminal Code*,";

d) by striking, at the end of paragraph 10.(1)(b),the word "and";

e) by adding, in ss. 10.(1), the following paragraph (c):

"(c) has not committed or been involved in or associated with a war crime or a crime against humanity, as those crimes are defined in ss. 6(1.9) of the *Criminal Code*; and";

f) by renumbering "(d)" paragraph 10.(1)(c);

g) by adding, at the end of paragraph 17.(1)(b), the following:

"or in spite of having committed or been involved in or associated with a war crime or a crime against humanity, as those crimes are defined in ss. 6(1.9) of the *Criminal Code*." (p. 226)

45- The immigration screening process and interview procedure should be tightened, so that:

a) a minimum and standard set of questions to be put to the applicant be established by regulation;

b) such questions bear explicitly on the applicant's past military, para-military, political and civilian activities;

c) all further questions to the applicant and all answers by the applicant be reduced to writing and signed by the applicant;

d) the applicant be required to sign a statement providing, in substance, that he has supplied all information which is material to his application for admission to Canada and that an eventual decision to admit him will be predicated upon the truth and completeness of his statements in his application. (p. 227)

46- Where the application is granted, immigration application forms should be kept until either it is established or it can be safely assumed that the applicant is no longer alive. (p. 227)

47- There exist no legal or contractual obstacles, either domestically or internationally, for Canada to strip a war criminal of his acquired Canadian citizenship, even at the risk of rendering him stateless. (p. 230)

48- **In order to reflect in Canadian legislation the exclusion of war criminals contained in the *Convention relating to the Status of Refugees*, the *Immigration Act, 1976* (25-26 El. II, c. 52) should be amended**

a) by adding, in s. 2.(1), after the word "person" at the end of the first line of the definition of the words "Convention Refugee", the following:

"(except a person who has committed or been involved in or associated with a war crime or a crime against humanity, as those crimes are defined in ss. 6(1.9) of the *Criminal Code*)";

b) by adding, at the end of s. 4.(2)(b), the following:

"or a person coming within the exception to the definition of 'Convention Refugee' in s. 2.(1)";

c) by adding, at the end of s. 19.(1), the following paragraph (j):

"(j) persons who have committed or been involved in or associated with a war crime or a crime against humanity, as those crimes are defined in ss. 6(1.9) of the *Criminal Code*";

d) by replacing, in the fourth line of paragraph 27.(1)(a), "or (g)" by ",(g) or (j)";

e) by replacing, in the second and third lines of paragraph 55.(a), "or (g)" by ",(g) or (j)." (p. 232)

49- The notion of the valid acquisition of a Canadian domicile is dissolved, once fraud on entry is established against a suspect. (p. 234)

50- Even assuming that fraud on entry did not preclude the acquisition thereafter of a "fraudulently valid" Canadian domicile, such a

domicile cannot constitute an obstacle to deportation of a war criminal. (p. 237)

51- **To dispel doubts surrounding the construction of certain statutory provisions:**

a) **s. 9 of the *Citizenship Act*, 23-24-25 El. II, c. 108, should be amended by adding a provision making it declaratory, so as to render it explicitly applicable to situations arising under former laws on citizenship and immigration.**

b) **s. 127 of the *Immigration Act, 1976*, 25-26 El. II, c. 52 should be amended by adding a second paragraph, as follows:**

"This section does not apply to a person who has committed or been involved in or associated with a war crime or a crime against humanity, as those crimes are defined in ss. 6(1.9) of the *Criminal Code*". (p. 237)

52- **In order to assure the effectiveness of the deportation process in the case of war criminals, s. 54 of the *Immigration Act, 1976* should be amended by adding a paragraph (4), as follows:**

"(4) Notwithstanding s.s.(1), (2) and (3), when a removal order has been made against a person who has committed or been involved in or associated with a war crime or a crime against humanity, as those crimes are defined in ss. 6(1.9) of the *Criminal Code*, the Minister shall have full and sole discretion to select the country to which that person shall be removed." (p. 238)

53- Should Parliament decide that an amendment to the *Criminal Code*, as proposed in recommendation 28 or otherwise, should encompass crimes against peace, recommendations 44, 48, 51 and 52 should then be understood also to cover crimes against peace. (p. 239)

54- Between 1971 and 1986, public statements by outside interveners concerning alleged war criminals residing in Canada have spread increasingly large and grossly exaggerated figures as to their estimated number. (p. 249)

55- Even leaving aside the figure of 6,000 ventured in 1986 by Mr. Simon Wiesenthal, and before a detailed examination of each of the cases appearing on the Commission's Master List, this List already shows no less than a 400 per cent over-estimate by the proponents of those figures. (p. 249)

56- The Galicia Division (14. Waffengrenadierdivision der SS [gal. Nr. 1]) should not be indicted as a group. (p. 261)

57- The members of the Galicia Division were individually screened for security purposes before admission to Canada. (p. 261)

58- Charges of war crimes against members of the Galicia Division have never been substantiated, neither in 1950 when they were first preferred, nor in 1984 when they were renewed, nor before this Commission. (p. 261)

59- Further, in the absence of evidence of participation in or knowledge of specific war crimes, mere membership in the Galicia Division is insufficient to justify prosecution. (p. 261)

60- No case can be made against members of the Galicia Division for revocation of citizenship or deportation since the Canadian authorities were fully aware of the relevant facts in 1950 and admission to Canada was not granted them because of any false representation, or fraud, or concealment of material circumstances. (p. 261)

61- In any event, of the 217 officers of the Galicia Division denounced by Mr. Simon Wiesenthal to the Canadian government, 187 (i.e., 86 per cent of the list) never set foot in Canada, 11 have died in Canada, 2 have left for another country, no *prima facie* case has been established against 16 and the last one could not be located. (p. 261)

62- The Commission has drawn up three lists of suspects: a Master List of 774 names (Appendix II-E); an Addendum of 38 names (Appendix II-F)) and a list of 71 German scientists and technicians (Appendix II-G). (p. 262)

63- Where the evidence at hand raises a serious suspicion of war crimes against an individual residing in Canada, the Government of Canada should obtain, where available, the evidence of witnesses living in a foreign country provided such country agrees, as the U.S.S.R. has done, to all the conditions stipulated by the Commission in its decision "On Foreign Evidence" of 14 November 1985 (Appendix I-M). (p. 268)

64- The files of the 341 suspects who never landed and are not residing in Canada should be closed. (p. 269)

65- The files of the 21 suspects who have landed in Canada, but left for another country (at least five of whom are deceased) should be closed. (p. 269)

66- The files of the 86 suspects who have died in Canada since landing in this country should be closed. (p. 270)

67- The files of the 154 suspects against whom the Commission could find no *prima facie* evidence of war crimes should be closed. (p. 270)

68- The files of the 4 suspects whom the Commission has been unable to find in Canada should be closed. (p. 270)

69- The last five figures form a total of 606 files which should therefore be closed immediately. (p. 270)

70- The Canadian Government should decide, as a matter of policy, whether to request the cooperation of those foreign governments which have not already denounced, on their own initiative, the 97 suspects, residing in Canada, against whom there may exist incriminating evidence abroad, namely: France, Czechoslovakia, Hungary, Israel, Poland, Romania, U.S.A., U.S.S.R., West Germany, Yugoslavia. (p. 272)

71- The appropriate Canadian authorities should interrogate 13 of those suspects, as well as 5 others in whose connection no further investigation abroad is indicated. (p. 272)

72- The 3 miscellaneous cases should be pursued according to the Commission's recommendations. (p. 272)

73- In 34 cases which remain outstanding, a decision should be taken as soon as answers from foreign agencies or other missing information are received. (p. 272)

74- Work should be pursued by the appropriate authorities concerning the 38 suspects appearing on the late *Addendum* list, in agreement with the relevant recommendations of the Commission. (p. 273)

75- Among the 71 files on German scientists and technicians (Appendix II-G) the following cases should be closed: (p. 274)

9 who entered Canada and have died in this country;
4 who entered Canada and left for another country;
2 who never entered Canada;
1 where there is no *prima facie* case.

76- In the 55 remaining files of this particular group, the Government of Canada should carry out the additional inquiries indicated in each individual opinion (see section f) of Chapter I-8) and then make a decision accordingly. (p. 274)

77- In the 9 cases where the Commission recommends, in Part II of its Report, that no prosecution be initiated and the file be closed, the Government of Canada, where it agrees with the recommendation, should so advise the individual suspect and his or her counsel. (p. 827)

78- In the 20 other cases where the Commission recommends, in Part II of its Report, that steps be taken toward either revocation of citizenship and deportation or criminal prosecution, urgent attention should be given to implementing those recommendations and, if necessary for that purpose, to bringing the necessary amendments to the law as well as actively seeking the co-operation of the interested foreign governments. (p. 827)

79- In all cases which still appear as outstanding in both Parts of the Commission's Report, the Government of Canada should take the necessary steps in order to pursue the interrogatories and inquiries, in Canada and abroad, which the Commission has indicated, and to bring each case to a close. (p. 830)

80- It should not be necessary nor indeed commendable to create for that purpose an organization similar to the Office of Special Investigations in Washington, D.C. (p. 830)

81- The Government of Canada might consider one or the other of the following options:

i) to give to the Department of Justice and to the RCMP a specific mandate bolstered by the following commitments:
   a) one official of the department to be given full authority;
   b) a full-time team of several lawyers, historians and police officers to be set up;
   c) ample financial resources to be supplied, in view of the considerable tasks to be performed across Canada and abroad;
   d) the responsible official to advise the Attorney General of Canada, through his Deputy, in matters of war crimes; or

ii) to renew the mandate of this Commission which possesses the power, among others, to summon the suspects and other witnesses for interrogation. (p. 830)

82- Should none of those options be retained, there would appear to be no other alternative but to close the whole matter of war criminals altogether. (p. 830)

Minister of Justice and Attorney General of Canada
Ministre de la Justice et procureur général du Canada

News Release Communiqué

FOR RELEASE AT 8 P.M., E.S.T.

January 12, 1981

OTTAWA -- The Government of Canada will accept major changes to the Charter of Rights and Freedoms and to the amending formula as set out in the Constitutional Resolution currently before Parliament, Justice Minister Jean Chrétien said today.

Mr. Chrétien tabled proposed amendments before the Special Joint Committee of the House of Commons and Senate, which is studying the resolution to patriate the Canadian Constitution with a Charter of Rights, an amending procedure and entrenchment of the principle of equalization.

"I have studied with great care both the written briefs and the oral testimony...and I have taken into account the points which have been made by all members of this committee," Mr. Chrétien said. "The government has listened to the views of Canadians."

The minister is proposing a number of significant amendments to the Charter of Rights and Freedoms, reflecting points raised by a wide variety of witnesses before the committee.

Among them, the opening clause respecting limitations would be rewritten to state that rights and freedoms would be subject only to "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." Mr. Chrétien said the purpose is to strengthen the protection of rights as set out in the Charter.

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He told the committee this new wording is even more stringent than that suggested by witnesses such as the Chief Commissioner of the Canadian Human Rights Commission and the president of the Canadian Civil Liberties Association, who were concerned that the original clause would permit too many limits to be placed on rights.

The section of the charter dealing with equality rights, originally entitled "non-discrimination rights," would be renamed to emphasize the positive nature of the guarantees. The proposed changes reflect, among others, views expressed by the Advisory Council on the Status of Women. The amendment makes very clear the prohibition of discrimination on the grounds of sex and ensures the equality before and under the law of both sexes. Individuals would be assured not only of equal protection, but also equal benefits under the law.

The guarantee against discrimination based on race, national or ethnic origin, colour, religion, age or sex would become open-ended. Grounds for discrimination are spelled out merely as examples, rather than being cited as the only grounds on which discrimination is prohibited.

Another amendment would make it clear that the Charter of Rights does not rule out "affirmative action" programs aimed at improving the lives of disadvantaged groups or individuals, including those disadvantaged because of race, national or ethnic origin, colour, religion, sex or age.

A strengthened section covering the rights of native peoples would make it clear that nothing in the charter denies the existence of any aboriginal, treaty or other rights or freedoms enjoyed by aboriginal Canadians, including those that date back to the Royal Proclamation of 1763. In other words, native peoples would retain all present rights, while discussions proceed on the possibility of eventually entrenching a specific set of native rights in the Constitution.

Recognition of Canada's multicultural nature would be enshrined with a proposed addition stating that the Charter of Rights shall be interpreted in a manner consistent with "the preservation of the multicultural heritage of Canadians."

Other proposed changes would strengthen protection of legal rights, in areas such as unreasonable search and seizure; detention and imprisonment; the right to instruct counsel without delay and to be informed promptly of that right; the right not to be denied bail without just cause; the right to trial by jury, and the right to protection against self-incrimination.

Concerning language rights, Mr. Chrétien will introduce an amendment making New Brunswick officially bilingual, as requested by Premier Hatfield.

The minister said "the policy of the government is to encourage and expand the protection of both official languages in every province with the support of provincial governments. It has never been the policy of the government to impose institutional bilingualism on any province.

"Much as I would like to see Ontario become officially bilingual, I have to agree with the view Claude Ryan expressed in Toronto last Thursday. Mr. Ryan said, and I quote, 'I would never impose it on the province of Ontario. It must come from the province of Ontario. This must be crystal clear'."

As well, a proposed change would expand official minority language education rights, in effect recognizing "acquired rights." The amendment would permit children of a Canadian citizen to receive their education in the minority language in which any one of the children has started his or her education in Canada. It would also permit children of a Canadian citizen to be educated in either English or French if such is the minority language of the province in which he lives if he himself received his education in that language in Canada.

Among important changes in the constitutional amending procedure, Mr. Chrétien will meet the request of Premier Blakeney of Saskatchewan and propose an amendment to ensure that a national referendum can be used only to break a deadlock between the federal government and the provinces. This will make it clear that there can be "no such thing as an instant referendum."

Other major changes proposed for the amending procedure include:

- A new provision would allow for the creation of a federal-provincial commission to recommend to Parliament rules for a referendum on constitutional amendment. This reflects a suggestion made by Premier Blakeney.

- Any constitutional amendment would require the approval of any two Atlantic provinces, as opposed to the provision of the original resolution requiring consent of two provinces representing 50 per cent of the Atlantic region population. This proposed change responds to the representations of Mr. George Henderson, MP for Egmont in Prince Edward Island.

- In the event of the national government and the provinces failing to agree on an amending formula, seven provinces with 80 per cent of the population, instead of eight, would be able to put forward an alternative proposal for a decision by the voters in a referendum.

- Any such alternative suggested by the provinces would require approval of provincial legislatures, rather than just provincial governments.

- Similarly, any federal alternative amending formula to be put forward in a referendum would have to be approved by Parliament, rather than just by the federal government.

In the section of the resolution dealing with equalization, a new clause will be introduced to make it clear that equalization payments must be made to provincial governments, as recommended by Premiers Blakeney and Hatfield.

Mr. Chrétien also confirmed that the government is prepared to accept a proposed amendment with respect to resources, as outlined in an exchange of letters last October between Prime Minister Trudeau and the leader of the New Democratic Party, Edward Broadbent.

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- Toute proposition de ce genre devra être approuvée par les assemblées législatives, et non plus seulement par les gouvernements provinciaux.

- De même, le Parlement et non pas seul le gouvernement du Canada devra approuver toute nouvelle procédure de modification proposée par le gouvernement fédéral.

Conformément à la recommandation des premiers ministres Hatfield et Blakeney, un nouvel article sera ajouté à la partie traitant de la péréquation de sorte qu'il soit clair que les paiements de péréquation sont versés aux gouvernements provinciaux.

M. Chrétien a aussi rappelé que le gouvernement du Canada était prêt à accepter une recommandation à propos des ressources, comme l'ont souligné le Premier ministre Trudeau et le chef du Nouveau Parti démocratique, M. Edward Broadbent dans un échange de correspondance en octobre dernier.

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Parmi les changements importants touchant à la procédure de modification, M. Chrétien proposera, comme l'a demandé le premier ministre de la Saskatchewan, monsieur Blakeney, une modification en vertu de laquelle un référendum national ne pourra être tenu que pour sortir d'une situation sans issue entre le gouvernement fédéral et les provinces. Il sera dorénavant clair qu'"un référendum instantané" ne pourra avoir lieu.

Voici d'autres changements substantiels proposés à la procédure de modification:

- Un nouvel article prévoit la constitution d'une Commission fédérale-provinciale qui aura le mandat de recommander au Parlement des règles applicables à la tenue d'un référendum portant sur une modification constitutionnelle. Il s'agit là d'une suggestion du premier ministre Blakeney.

- Toute modification à la Constitution devra recevoir l'approbation d'au moins deux des provinces de l'Atlantique. La résolution originale prévoyait le consentement de deux provinces dont la population confondue représentait 50 pour cent de la population régionale. Cette modification tient compte des représentations faites par M. George Henderson, député d'Egmont, Île-du-Prince-Édouard.

- Dans le cas où le gouvernement fédéral et les provinces ne réussiraient pas à s'entendre sur une procédure de modification, sept provinces, au lieu de huit, pourront présenter une proposition commune sur laquelle les électeurs devront se prononcer à l'occasion d'un référendum.

Quant aux droits linguistiques, M. Chrétien présentera une modification à la demande du premier ministre Hatfield reconnaissant de façon officielle le bilinguisme au Nouveau-Brunswick.

Le Ministre a souligné: "la politique du gouvernement vise à encourager et à élargir la protection des deux langues officielles dans toutes les provinces avec la collaboration des gouvernements provinciaux. La politique du gouvernement du Canada n'a jamais été d'imposer le bilinguisme institutionnel aux provinces.

"Autant je voudrais voir l'Ontario devenir officiellement bilingue, autant je dois tomber d'accord avec l'opinion émise par M. Claude Ryan, jeudi dernier, à Toronto. M. Ryan déclarait: 'Je ne l'imposerais jamais à l'Ontario. L'initiative doit être entreprise par cette province; cela doit être clair comme de l'eau de roches'."

Une autre modification élargira les droits à l'instruction dans la langue de la minorité afin de reconnaître "les droits acquis" des citoyens. Cette modification permettra à tous les citoyens canadiens dont un enfant a déjà commencé à recevoir son instruction en français ou en anglais de faire instruire tous leurs autres enfants dans la langue de cette instruction.

Selon cette modification, les enfants des citoyens canadiens, qui ont reçu leur instruction au Canada dans une des langues officielles, ont le droit de poursuivre leurs études dans la même langue s'ils résident dans une province où cette langue est celle de la minorité linguistique, française ou anglaise.

En vertu d'une autre modification, il est clair que la Charte des droits n'écartera aucun programme de promotion sociale dont le but serait d'améliorer la situation d'individus ou de groupes défavorisés, notamment du fait de leur race, de leur origine nationale ou ethnique, de leur couleur, de leur religion, de leur sexe ou de leur âge.

L'article traitant des droits des peuples autochtones sera modifié de sorte qu'il soit clair que la Charte ne constituera pas une négation des droits et libertés -- ancestraux, issus de traités ou autres -- que peuvent avoir les peuples autochtones du Canada, notamment les droits et libertés qui ont pu être reconnus par la Proclamation royale de 1763. En d'autres mots, les peuples autochtones conserveront leurs droits acquis pendant que se poursuivront les discussions sur la possibilité d'inclure dans la Constitution un nombre précis de droits.

La reconnaissance de la nature multiculturelle du Canada sera inscrite grâce à une modification selon laquelle toute interprétation de la Charte devra concorder avec l'objectif de promouvoir le maintien et la valorisation de l'héritage multiculturel des Canadiens.

D'autres changements proposés assureront une meilleure protection des garanties juridiques dans le cas de fouilles, de perquisitions et de saisies illégales; du droit d'avoir recours sans délai à l'assistance d'un avocat et d'être informé de ce droit; et du droit de ne pas être privé sans juste cause d'une mise en liberté assortie d'un cautionnement raisonnable; du droit de bénéficier d'un procès avec jury et du droit de ne pas s'incriminer.

Parmi ces changements, notons le premier article de la Charte qui traite des dispositions restrictives. Cet article sera modifié et reconnaîtra que les droits et libertés ne pourront être restreints que par une règle de droit, "dans des limites qui soient raisonnables et dont la justification puisse se démontrer dans le cadre d'une société libre et démocratique". Selon M. Chrétien, l'objectif de cette modification est de renforcer la protection des droits et libertés dans la Charte.

M. Chrétien a rappelé au Comité que cette nouvelle formulation est encore plus stricte que celle qu'avaient proposée certains témoins dont le président de la Commission canadienne des droits de la personne et le président de l'Association canadienne des libertés civiles qui trouvaient que l'article original aurait pu donner lieu à trop d'échappatoires.

L'article de la Charte portant sur "les droits à la non-discrimination" s'intitulera dorénavant "les droits à l'égalité" afin de mettre l'accent sur l'aspect positif de cette importante partie de la Charte des droits. Les changements proposés reflètent, entre autres, les points de vue exprimés par le Conseil consultatif canadien de la situation de la femme. Cette modification définit clairement l'interdiction de toute discrimination fondée sur le sexe et elle garantit l'égalité des deux sexes devant la loi. Ainsi tous auront droit à la même protection et au même bénéfice de la loi.

La garantie portant sur la protection contre toute discrimination fondée sur la race, l'origine nationale ou ethnique, la couleur, la religion, le sexe ou l'âge restera ouverte. Les motifs de discrimination ne sont mentionnés qu'à titre d'exemples et ne constituent pas les seuls motifs pour lesquels toute discrimination est interdite.

Ministre de la Justice et
procureur général du Canada

Minister of Justice and
Attorney General of Canada

Communiqué News Release

POUR DIFFUSION A 20H.

le 12 janvier 1981

OTTAWA -- Jean Chrétien, ministre de la Justice, a déclaré aujourd'hui que le gouvernement du Canada accepterait d'apporter des changements importants à la Charte des droits et libertés ainsi qu'à la procédure de modification proposées dans le Projet de résolution concernant la Constitution du Canada qui se trouve actuellement devant le Parlement.

Monsieur Chrétien a déposé les modifications recommandées au Comité spécial mixte de la Chambre des communes et du Sénat qui étudie le Projet de résolution sur le rapatriement de la Constitution du Canada, incluant une Charte des droits, une procédure de modification et l'insertion du principe de la péréquation.

"J'ai étudié très attentivement, tant ces documents écrits que ces témoignages. Et bien entendu, j'ai aussi tenu compte des opinions émises par les membres de ce Comité", a déclaré le Ministre. "Le gouvernement, a-t-il ajouté, s'est mis à l'écoute des opinions de tous les Canadiens."

Le Ministre a proposé plusieurs changements importants à la Charte des droits et libertés, lesquels tiennent compte de certaines des suggestions émises devant le Comité par un grand nombre de témoins.

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Minister of Justice and Attorney General of Canada
Ministre de la Justice et procureur général du Canada

News Release Communiqué

FOR IMMEDIATE RELEASE:
Wednesday, October 24, 1979

STATEMENT BY
SENATOR JACQUES FLYNN
ON
FREEDOM OF INFORMATION LEGISLATION

There are two important elements to Freedom of Information Legislation. The first, which has been touched on by Mr. Baker, is the exemptions. The second is review of governmental refusal of access.

It is meaningless to have such legislation giving Canadians broad access to Government information, subject to narrowly defined exemptions, without ensuring that refusals to access by the Government can be challenged in the courts. Further it is important that the process of judicial review be as simple, inexpensive and expeditious as possible.

We believe that the review mechanism included in this bill satisfies those requirements. The first phase of the review will involve an Information Commissioner who will receive complaints and will have the power to investigate and make recommendations. We believe the Commissioner will be able to resolve most disputes between applicants and the Government. That certainly has been our experience with the Privacy Commissioner operating under Part IV of the Canadian Human Rights Act.

However, if the applicant is still not satisfied after review by the Commissioner, he or she can appeal to the Federal Court. In addition the Information Commissioner can even institute such appeals or appear on behalf of the applicant.

In all such proceedings, the onus will be on the Government to show why information should be withheld under the exemptions laid out in the Bill not on the applicant to justify his access.

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The Government will not be able to hide behind absolute Crown privilege to withhold documents from the Courts. We are repealing Section 41 of the Federal Court Act which provides for such absolute privilege in a number of sensitive areas. That section is out of step with the situation in other common law countries. Repealing it to allow the courts to review Minister's decisions is a necessary prerequisite to the creation of more open government and to allow for a truly independent appeal procedure under Freedom of Information.

I would also like to take a few moments to comment on the Protection of Personal Privacy. In general there will be no right of access to personal information under the Act. The protection of the privacy of the individual is a matter to which we attached great importance going as it does to the very foundation of the society within which we live. Thus we believe that the right to privacy must over-ride the general public right of access.

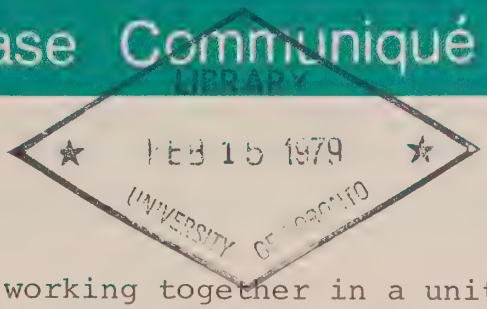
On the other hand we believe that individuals must have a right to see what information the Government has about them, especially when the Government is using that information to make decisions which affect them directly. Such a right is at present provided under Part IV of the Canadian Human Rights Act together with a certain degree of protection for the confidentiality of personal information.

However, the Government plans to significantly strengthen the protection for individual privacy and allow individuals greater access to such information about them by virtue of a new Privacy Act which will replace Part IV of the Human Rights Act. I hope it will be ready for introduction very soon.

Minister of Justice and
Attorney General of Canada

Ministre de la Justice et
procureur général du Canada

News Release Communiqué



OTTAWA -- Canadians working together in a united country are obviously better equipped to tackle Canada's economic problems than they would be acting in separate political units, the Honourable Marc Lalonde said today.

Mr. Lalonde made the comment in releasing a report entitled Quebec's Access to Financial Markets, which outlines the findings of two economic studies prepared for the Federal-Provincial Relations Office as part of the series, Understanding Canada.

Like earlier reports in the series, said the minister, this latest one is published in the interest of contributing to informed public discussion by identifying serious questions that must be addressed before decisions are made concerning the future of Canada.

The report examines important questions related to the operation of financial markets, with particular emphasis on the borrowing of the Quebec government and its agencies.

The first of the two studies was prepared by Douglas H. Fullerton of Ottawa, who served on a number of Quebec government task forces between 1962 and 1977. He is the author of a textbook, The Bond Market in Canada, and writes regularly on economic and financial matters.

The second study, conducted by the federal Department of Finance, finds there is little evidence to support claims that Canadian financial institutions have shown a bias against Quebec by underinvesting to the detriment of the province's economy.

The first part of the report notes, among other things, that Quebec's public sector borrowing needs in the future will continue to be very substantial -- in the order of $5 billion a year -- and it says any degree of political uncertainty could not only make it difficult to borrow abroad, but could jeopardize the economic objectives of the Quebec government.

It notes that when the political climate appears to be unstable, capital markets react by demanding higher yields and/or making less money available. It suggests that political uncertainty has already exacted an economic price in Quebec.

"There is no doubt that the independence of Quebec, apprehended or realized, would be a traumatic event for the whole of Canada," says the Fullerton study. "Its impact on all the factors that go into making any country creditworthy in the eyes of lenders... would be massive and negative; the only unknown is just how difficult things would become."

There were a number of factors responsible for Quebec being able to raise large amounts of capital needed in 1977 and 1978, the report says. Among these was the huge reserve of capital available in countries with large balance of payments surpluses and appreciating currencies, such as West Germany, Switzerland and Japan. Their willingness to lend to Quebec, the report suggests, was reinforced by the belief that Quebec would not separate from

Canada, by the special place Hydro-Québec had achieved in the investment community over the years, and by the restraint shown in Quebec's budget and spending programs.

However, the study notes, the switch to overseas lenders and foreign currencies has involved Quebec in considerable exchange risks, substantially greater than for any other province. These loans have also involved an appreciable shortening of the term to maturity for Quebec bonds, which will add to refinancing problems over the next decade by increasing the amounts of new money needed each year. For Hydro-Québec alone, the report says, this adds $500 million a year to its borrowing needs between now and 1982.

The picture could improve, of course, given an economic resurgence, an improved Canadian balance of payments, and a stronger exchange rate for Canadian and U.S. dollars.

"But what if new elements of uncertainty are introduced... rather than the hoped-for favourable developments? What if Quebec is perceived to be moving closer to independent status, challenging the comfortable faith of lenders that the province will continue as part of Canada, with its bonds backed by an implicit federal guarantee? What would be the impact of such a revised perception on the Canadian economy and balance of payments, and on the chances of a recovery of the Canadian dollar from present exchange levels?

"These are among the tough questions the Quebec government must consider as it weighs the possible conflicts between its urgent economic objectives and its independence goals," the study says.

The second part of the report concludes that as a general proposition, there appears to be no legitimate basis for criticism when financial institutions help to move savings from one province to another. Their fundamental purpose is to transfer funds from savers to investors.

According to the study, the assets and liabilities of chartered banks appear to have been in balance in Quebec in recent years. The trust companies have had net outflows of capital from Quebec, but there have been similar outflows from other provinces. Ontario, in particular, recorded net outflows at twice the Quebec level.

The report says mortgage loan companies may have been responsible for small exports of capital from Quebec, but at about one-third the level of those from Ontario. Available data for life insurance companies indicate their investment in Quebec provincial bonds has been generally in balance with their premiums and annuities in the province.

To the extent that any of these financial institutions have exported capital from Quebec, the reason can probably be attributed to a lower level of mortgage investment which appears in turn to be due to a relatively lower demand for mortgage money in Quebec.

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Dans la mesure où ces institutions financières ont exporté des capitaux du Québec, on peut probablement en attribuer la cause à leur activité limitée sur le marché hypothécaire dans la province, laquelle s'explique à son tour par une demande relativement plus faible de financement hypothécaire au Québec.

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"Voilà quelques-unes des questions difficiles auxquelles le gouvernement du Québec doit faire face dans l'évaluation des conflits possibles entre ses objectifs économiques immédiats et son but d'indépendance."

Quant à la deuxième étude, elle conclut qu'il ne semble pas y avoir lieu de critiquer les institutions financières en ce qu'elles facilitent le mouvement de l'épargne entre les provinces. Leur but essentiel est d'acheminer les fonds des épargnants aux investisseurs.

Il ressort de l'étude que l'actif et le passif des banques à charte semblent avoir été équilibrés au Québec ces dernières années. Les sociétés de fiducie ont occasionné des sorties nettes de capitaux du Québec, mais cela s'est également produit dans d'autres provinces; l'Ontario, en particulier, a enregistré des sorties nettes doubles de celles du Québec.

Le document note également que les sociétés de prêt hypothécaire ont peut-être donné lieu à de faibles sorties de capitaux du Québec, mais ces dernières ne semblent représenter qu'environ le tiers des sorties subies par l'Ontario. Les données disponibles sur les compagnies d'assurance-vie montrent que leurs achats d'obligations du Québec compensent dans l'ensemble leurs primes et leurs rentes dans la province.

accompagnés d'un raccourcissement considérable des échéances des obligations du Québec. Cela accroîtra le problème du refinancement au cours de la prochaine décennie en augmentant la masse d'argent frais nécessaire chaque année. Rien que pour l'Hydro-Québec, ce facteur augmentera de $500 millions par an les besoins d'emprunt, d'ici 1982.

La situation pourrait s'améliorer évidemment, vu une reprise économique, une amélioration de la balance des paiements canadienne et un raffermissement des dollars canadien et américain.

"Toutefois, fait remarquer l'étude, que se passera-t-il si l'avenir est marqué par de nouvelles incertitudes ... plutôt que par l'évolution favorable qui est souhaitée? Qu'arrivera-t-il si on considère que le Québec s'oriente vers l'indépendance, remettant en question la conviction des prêteurs que la province restera dans la fédération canadienne et que ses obligations bénéficient de la garantie implicite du fédéral? Quel serait l'effet de cette nouvelle vision des choses sur l'économie et la balance des paiements du Canada, et sur les chances de raffermissement du dollar canadien?

Selon l'étude de M. Fullerton, "il ne fait aucun doute que l'indépendance du Québec, appréhendée ou réelle, serait traumatisante pour l'ensemble du Canada. Son incidence sur la gamme des facteurs qui contribuent au crédit d'un pays aux yeux des prêteurs... serait très prononcée et négative; la seule inconnue serait de savoir exactement combien la situation deviendrait difficile".

Un certain nombre de facteurs ont contribué à faciliter l'obtention par le Québec de vastes capitaux dont il avait besoin en 1977 et en 1978. L'étude mentionne, entre autres, la masse de capitaux disponibles dans les pays à balance des paiements largement excédentaire et à monnaie forte, comme l'Allemagne de l'Ouest, la Suisse et le Japon. Leur disposition à prêter au Québec a été renforcée par leur conviction que la province ne se séparerait pas du Canada, par la place particulière que l'Hydro-Québec s'est taillé dans les milieux financiers au cours des années et par la modération manifestée dans le budget et les programmes de dépenses du Québec.

On note toutefois, dans l'étude, que le recours accru à des prêteurs d'outre-mer et à des devises étrangères a exposé la province à des risques de change considérables - et nettement plus que toute autre province. Ces emprunts se sont aussi

La première des deux études est l'oeuvre de M. Douglas H. Fullerton qui a fait partie d'un certain nombre de groupes d'études du gouvernement du Québec, entre 1962 et 1977. Il est l'auteur du manuel intitulé The Bond Market in Canada, et il publie régulièrement des articles d'ordre économique et financier.

La deuxième étude, préparée sous la direction du ministère des Finances, considère qu'il existe peu de preuves pour soutenir que les institutions financières canadiennes ont fait montre de parti-pris à l'endroit du Québec en sous-investissant au détriment de l'économie de la province. La première partie du document souligne, entre autres, que les besoins d'emprunt futurs du secteur public québécois seront considérables - de l'ordre de $5 milliards par année - et on y fait remarquer que les incertitudes politiques, à quelque degré que ce soit, pourraient non seulement rendre laborieux les emprunts à l'extérieur, mais pourraient compromettre les objectifs économiques du Québec.

Il ressort de cette partie de l'étude que, lorsque le climat politique est jugé instable, les marchés de capitaux réagissent en exigeant des taux supérieurs ou en réduisant l'offre de financement. Il n'est guère douteux que les incertitudes politiques ont coûté un certain prix économique au Québec.

Ministre de la Justice et
procureur général du Canada

Minister of Justice and
Attorney General of Canada

Communiqué News Release

OTTAWA - Il est clair que les Canadiens oeuvrant ensemble dans un pays uni sont en meilleure position pour cerner les problèmes économiques du Canada que s'ils faisaient bande à part dans des groupes politiques distincts.

C'est ce qu'a déclaré aujourd'hui M. Marc Lalonde en rendant public un document intitulé L'accès du Québec aux marchés financiers. Le document dégage les conclusions de deux études d'ordre économique préparées pour le Bureau des relations fédérales-provinciales et s'inscrit dans la série Pour comprendre le Canada.

Le ministre a précisé qu'à l'instar des études précédentes, ce document, le plus récent de la série, a été publié en guise de contribution à une discussion publique éclairée, en mettant en lumière de sérieuses questions qu'on doit se poser avant que soient prises des décisions qui engagent l'avenir du Canada.

Le document porte sur des questions importantes qui ont trait aux opérations des marchés financiers, et plus particulièrement aux emprunts du gouvernement du Québec et de ses organismes.